

**THE COUNCIL**

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*Minutes of the Proceedings for the*

**STATED MEETING**

*of*

Wednesday, February 14, 2018, 2:21 p.m.

The Public Advocate (Ms. James)

*Acting President Pro Tempore and Presiding Officer*

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Mark Gjonaj	Ydanis A. Rodriguez
Alicia Ampry-Samuel	Barry S. Grodenchik	Deborah L. Rose
Diana Ayala	Robert F. Holden	Helen K. Rosenthal
Inez D. Barron	Peter A. Koo	Rafael Salamanca, Jr
Joseph C. Borelli	Karen Koslowitz	Ritchie J. Torres
Justin L. Brannan	Bradford S. Lander	Mark Treyger
Fernando Cabrera	Stephen T. Levin	Eric A. Ulrich
Margaret S. Chin	Mark D. Levine	James G. Van Bramer
Andrew Cohen	Alan N. Maisel	Jumaane D. Williams
Costa G. Constantinides	Steven Matteo	Kalman Yeger
Robert E. Cornegy, Jr	Carlos Menchaca	
Laurie A. Cumbo	I. Daneek Miller	
Chaim M. Deutsch	Francisco P. Moya	
Ruben Diaz, Sr.	Bill Perkins	
Daniel Dromm	Keith Powers	
Mathieu Eugene	Donovan J. Richards	
Vanessa L. Gibson	Carlina Rivera	

Absent: Council Members Espinal, Kallos, King, Lancman, Reynoso, Vallone.

The Public Advocate (Ms. James) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

*There were 45 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation delivered by Rev. Hung Tse, Chinese Christian Herald Crusades, 156-03 Horace Harding Expressway, Flushing, NY 11367.

Would you bow your head and pray with me?

Almighty God, dear Heavenly Father,  
 thank you and praise you  
 for this wonderful opportunity and privilege  
 to be here at this great assembly.  
 We ask your blessings on the people  
 who have been called to lead the community  
 in which we live and work.  
 I pray for all the elected officials and trust  
 that with the holy calling of public services,  
 and particularly members in this Council,  
 bring them wisdom, courage and compassion  
 to know and do what is right and good and true  
 to the people in this great city, the city of New York.  
 Pray that you will strengthen them with endurance,  
 give them capacity to make wise decisions  
 for the future of the city of New York.  
 I also pray for the agenda set before them today.  
 Please give them assurance of what would please you  
 and what would benefit those who live and work  
 in and around our beloved city of New York.  
 Thank you, that every decision that is made today  
 will be governed and guided by your mighty hand,  
 and fill us with joy and peace  
 as we continue to serve in these noble positions.  
 I pray all these things  
 in the glorious name of our Lord Jesus Christ.  
 Amen.

Council Member Koo moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) ask for a Moment of Silence in memory of Ronald Svec, a retired long-time firefighter, who died of 9/11-related cancer on February 2, 2018 at the age of 63. Firefighter Svec spent weeks working at Ground Zero following the attack on the city and the nation. The Speaker (Council Member Johnson) thanked him for his service to the FDNY and offered his thoughts and prayers to Firefighter Svec's family.

### ADOPTION OF MINUTES

On behalf of Council Member Lancman, the Public Advocate (Ms. James) moved that the Minutes of the Charter Meeting of January 3, 2018 be adopted as printed.

### MESSAGES AND PAPERS FROM THE MAYOR

M-13

**Communication from the Mayor - Submitting Preliminary certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2019 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the NY City Charter.**

February 1, 2018

Honorable Members of the Council

Honorable Scott M. Stringer, Comptroller

Honorable Ruben Diaz, Jr., Bronx Borough President  
 Honorable Eric L. Adams, Brooklyn Borough President  
 Honorable Gale A. Brewer, Manhattan Borough President  
 Honorable Melinda R. Katz, Queens Borough President  
 Honorable James S. Oddo, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify on a preliminary basis that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2019 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2019	\$10,581	Million
2020	11,997	Million
2021	12,133	Million
2022	11,604	Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2019 — 2022:

2019	\$8,364	Million
2020	9,763	Million
2021	9,943	Million
2022	9,322	Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2019 — 2022:

2019	\$2,217	Million
2020	2,234	Million
2021	2,190	Million
2022	2,283	Million

I further certify on a preliminary basis that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2019, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2019	\$10,631	Million
2020	13,064	Million
2021	9,812	Million
2022	9,611	Million

Sincerely,

Bill de Blasio Mayor

Received, Ordered, Printed and Filed.

M-14

**Communication from the Mayor - Submitting the name of Fernando Bohorquez, Jr. to the Council for its advice and consent concerning his reappointment to the New York City Conflicts of Interest Board, pursuant to Section 2602 of the New York City Charter.**

January 31, 2018

The Honorable Corey Johnson  
Council Speaker  
City Hall  
New York, NY 10007

Dear Speaker Johnson:

Pursuant to Section 2602 of the New York City Charter, I am pleased to present the name of Fernando Bohorquez, Jr., to the City Council for advice and consent concerning his reappointment to the New York City Conflicts of Interest Board. When reappointed to the Board, Mr. Bohorquez will serve for a six-year term expiring on March 31, 2024.

I send my thanks to you and all Council members for reviewing this Conflicts of Interest Board appointment.

Sincerely,

Bill de Blasio  
Mayor

BDB:tf

cc: Fernando Bohorquez, Jr.  
Richard Briffault, Chair, Conflicts of Interest Board  
Carolyn Miller, Executive Director, Conflicts of Interest Board  
Jeff Lynch, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

M-15

**Communication from the Mayor - Submitting the name of Anthony Crowell to the Council for its advice and consent concerning his reappointment to the New York City Conflicts of Interest Board, pursuant to Section 2602 of the New York City Charter.**

January 31, 2018

The Honorable Corey Johnson  
Council Speaker  
City Hall  
New York, NY 10007

Dear Speaker Johnson:

Pursuant to Section 2602 of the New York City Charter, I am pleased to present the name of Anthony Crowell to the City Council for advice and consent concerning his reappointment to the New York City Conflicts of Interest Board. When reappointed to the Board, Mr. Crowell will serve for a six-year term expiring on March 31, 2024.

I send my thanks to you and all Council members for reviewing this Conflicts of Interest Board appointment.

Sincerely,

Bill de Blasio  
Mayor

BDB:tf

cc: Anthony Crowell  
Richard Briffault, Chair, Conflicts of Interest Board  
Carolyn Miller, Executive Director, Conflicts of Interest Board  
Jeff Lynch, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

**REPORTS OF THE STANDING COMMITTEES**

**Report of the Committee on Land Use**

Report for L.U. No. 6

**Report of the Committee on Land Use in favor of approving Application No. C 180023 ZSM submitted by Advantage Testing Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to 74-711 of the Zoning Resolution to modify use and yard regulations on property located at 350 East 88th Street (Block 1550, Lots 31 and 34) Borough of Manhattan, Community Board 8, Council District 5. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 78) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 8**

**C 180023 ZSM**

City Planning Commission decision approving an application submitted by Advantage Testing Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-10 (Uses Permitted As-of-Right) to allow Use Group 6B uses (commercial educational uses); and to modify the rear yard regulations of Section 24-36 (Minimum Required Rear Yards) to allow a 2<sup>nd</sup> story enclosure and heating, ventilation, and air conditioning (HVAC) units within the required rear yard of an existing 4-story building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission located at 350 East 88<sup>th</sup> Street (Block 1550, Lots 31 and 34), in an R8B District.

**INTENT**

To approve the grant of the special permit pursuant to Section 74-711 of the Zoning Resolution in order to allow use and bulk waivers in order to facilitate a for-profit educational facility use on the site located at 350 East 88<sup>th</sup> Street in the Upper East Side neighborhood of Manhattan Community District 8.

**PUBLIC HEARING**

**DATE:** February 7, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 7, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

**In Favor:**

Moya, Constantinides, Lancman, Levin, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 8, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 183

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180023 ZSM (L.U. No. 6), for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-10 (Uses Permitted As-of-Right) to allow Use Group 6B uses (commercial educational uses); and to modify the rear yard regulations of Section 24-36 (Minimum Required Rear Yards) to allow a 2<sup>nd</sup> story enclosure and HVAC units within the required rear yard of an existing 4-story building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission located at 350 East 88<sup>th</sup> Street (Block 1550, Lots 31 and 34), in an R8B District, Community District 8, Borough of Manhattan.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on January 12, 2018 its decision dated January 3, 2018 (the "Decision"), on the application submitted by Advantage Testing, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-10 (Uses Permitted As-of-Right) to allow Use Group 6B uses (commercial educational uses); and to modify the rear yard regulations of Section 24-36 (Minimum Required Rear Yards) to allow a 2<sup>nd</sup> story enclosure and HVAC units within the required rear yard of an existing 4-story building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission located at 350 East 88<sup>th</sup> Street (Block 1550, Lots 31 and 34), in an R8B District in the Upper East Side neighborhood of Manhattan Community District 8, (ULURP No. C 180023 ZSM), Community District 8, Borough of Manhattan, (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;



**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-711 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 7, 2018;

**WHEREAS**, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued September 5, 2017 (CEQR No. 18DCP008M), (the “Negative Declaration”);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 180023 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following terms and conditions:

1. The property that is the subject of this application (C 180023 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Martin Joseph Finio of Christoff : Finio Architecture, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z001.00	Zoning Lot Site Plan	July 21, 2017
Z002.00	Zoning Analysis	August 1, 2017
Z003.00	Waiver Plan	August 1, 2017
Z004.00	Waiver Sections	August 9, 2017
Z110.00	Floor 0 Cellar - Proposed	August 1, 2017
Z111.00	Floor 1 Parlor - Proposed	August 1, 2017
Z112.00	Floor 2 – Proposed	August 1, 2017
Z113.00	Floor 3 – Proposed	August 1, 2017
Z114.00	Floor 4 – Proposed	August 1, 2017

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to

condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of New York. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution the provisions of which shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's action or failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, PETER A. KOO, RORY I. LANCMAN, MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, CARLINA RIVERA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, February 8, 2018.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 7

**Report of the Committee on Land Use in favor of approving Application No. 20185109 HKK (N 180135 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of Peter P and Rosa M Huberty House located at 1019 Bushwick Avenue (Block 3322, Lot 38), as an historic landmark, Borough of Brooklyn, Community Board 4, Council District 34.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 79), respectfully

**REPORTS:**

**SUBJECT****BROOKLYN CB - 4****20185109 HKK (N 180135 HKK)**

Designation by the Landmarks Preservation Commission [DL-500/LP-2542] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Peter P. and Rosa M. Huberty House located at 1019 Bushwick Avenue (Tax Map Block 3322, Lot 38), as an historic landmark.

**PUBLIC HEARING****DATE:** January 23, 2018**Witnesses in Favor:** Two**Witnesses Against:** Two**SUBCOMMITTEE RECOMMENDATION****DATE:** February 6, 2018

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** February 8, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

RAFAEL SALAMANCA, Jr., *Chairperson*; ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, PETER A. KOO, RORY I. LANCMAN, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, CARLINA RIVERA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, February 8, 2018.

Laid Over by the Council.

Report for L.U. No. 8

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180032 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 197-c of the New York City Charter, for an Urban Development Action Area Project and disposition of City-owned property located at 425 Grand Concourse, Borough of the Bronx, Community Board 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 79), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 8 & Res. No. 185 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, PETER A. KOO, RORY I. LANCMAN, MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, CARLINA RIVERA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, February 8, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 9

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180031 ZMX submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 6a, changing an existing C4-4 District to a C6-3 district for property at 425 Grand Concourse, Borough of the Bronx, Community Board 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 79), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 9 & Res. No. 186 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, PETER A. KOO, RORY I. LANCMAN, MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, CARLINA RIVERA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, February 8, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 10

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180033 ZRX submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of the Bronx, Community Board 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 79), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 10 & Res. No. 187 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, PETER A. KOO, RORY I. LANCMAN, MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, CARLINA RIVERA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, February 8, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 14

**Report of the Committee on Land Use in favor of approving Application No. 20185164 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for approval of a real property tax exemption for property located at 425 Grand Concourse, Borough of the Bronx, Community Board 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 31, 2018 (Minutes, page 14) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT****BRONX CB - 1****20185164 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at 425 Grand Concourse, Community District 1, Council District 17.

**INTENT**

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for the Exemption Area located at Block 2346, Lot 1, in Bronx Community District 1.

**PUBLIC HEARING****DATE:** January 23, 2018**Witnesses in Favor:** Six**Witnesses Against:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** February 6, 2018

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

**In Favor:**

Gibson, Deutsch, King, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** February 8, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Kallos offered the following resolution:

Res. No. 184

**Resolution approving a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 425 Grand Concourse (Block 2346, Lot 1), Borough of the Bronx, (L.U. No.14; Non-ULURP No. 20185164 HAX).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 19, 2018 its request dated January 16, 2018 that the Council approve an exemption from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption Request") for property located at 425 Grand Concourse (Block 2346, Lot 1) (the "Exemption Area"), Community District 1, Borough of the Bronx;

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on January 23, 2018; and

**WHEREAS**, the Council has considered the land use, environmental and financial implications and other policy issues relating to the Tax Exemption Request.

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
  - i. "Community Facility Space" shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
  - ii. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - iii. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - iv. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2346, Lot 1 on the Tax Map of the City of New York.
  - v. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - vi. "HDFC" shall mean PH425 Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - vii. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

- viii. “Owner” shall mean, collectively, the HDFC and the Partnership.
  - ix. “Partnership” shall mean Trinity Mid Bronx Residential Limited Partnership or a limited partnership that acquires the beneficial interest in the Exemption Area with the approval of HPD.
  - x. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Notwithstanding any provision hereof to the contrary:
- i. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - ii. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
  - iii. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- d. In consideration of the Exemption, the Owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

RAFAEL SALAMANCA, Jr., *Chairperson*; ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, PETER A. KOO, RORY I. LANCMAN, MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, CARLINA RIVERA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, February 8, 2018.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).



At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Land Use and had been favorably reported for adoption.

Report for L.U. No. 25

**Report of the Committee on Land Use in favor of approving Application No. 20185165 HAK submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at Block 1468, Lots 56 and 63, Borough of Brooklyn, Community Board 16, Council District 41.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 14, 2018, respectfully

### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB - 16**

**20185165 HAK**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at Block 1468, Lots 56 and 63, Community District 16, Council District 41

#### **INTENT**

To approve pursuant to Section 577 of Article XI of the Private Housing Finance Law a real property tax exemption for the exemption area that contains three multiple dwellings, known as Hopkinson/Park Place, which will provide homeownership housing for low-income families.

#### **PUBLIC HEARING**

**DATE:** February 6, 2018

**Witnesses in Favor:** Two

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 6, 2018

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

#### **In Favor:**

Gibson, Deutsch, King, Diaz.

#### **Against:**

None

#### **Abstain:**

None

**COMMITTEE ACTION****DATE:** February 8, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

RAFAEL SALAMANCA, Jr., *Chairperson*; ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, PETER A. KOO, RORY I. LANCMAN, MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, CARLINA RIVERA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, February 8, 2018.

Laid Over by the Council.

**GENERAL ORDER CALENDAR**

Report for L.U. No. 8 &amp; Res. No. 185

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180032 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 197-c of the New York City Charter, for an Urban Development Action Area Project and disposition of City-owned property located at 425 Grand Concourse, Borough of the Bronx, Community Board 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 79) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:****SUBJECT****BRONX CB - 1****C 180032 HAX**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for
  - a) the designation of property located at 425 Grand Concourse (Block 2346, Lot 1) as an Urban

Development Action Area; and

- b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the construction of a mixed-use building with affordable residential units, ground floor retail space, and community facility space in the Mott Haven neighborhood.

### **INTENT**

To approve the urban development action area project designation, project approval and disposition of city-owned property, which in conjunction with the related actions would facilitate the construction of a mixed-use building with affordable residential units, ground floor retail space, and community facility space in the Mott Haven neighborhood of Bronx Community District 1.

### **PUBLIC HEARING**

**DATE:** January 23, 2018

**Witnesses in Favor:** Six

**Witnesses Against:** One

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 6, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

**In Favor:**

Gibson, Deutsch, King, Diaz.

**Against:**

None

**Abstain:**

None

### **COMMITTEE ACTION**

**DATE:** February 8, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**            **Abstain:**  
None                    None

In connection herewith, Council Members Salamanca and Kallos offered the following resolution:

Res. No. 185

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 180032 HAX, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 425 Grand Concourse (Block 2346, Lot 1), Borough of the Bronx, Community District 1, to a developer to be selected by HPD (L.U. No. 8; C 180032 HAX).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the City Planning Commission filed with the Council on December 28, 2017 its decision dated November 29, 2017 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 425 Grand Concourse (Block 2346, Lot 1) (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of the Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the “Project”); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related actions would facilitate the construction of a mixed-use building with affordable residential units, ground floor retail space, and community facility space in the Mott Haven neighborhood of the Bronx, (ULURP No. C 180032 HAX), Community District 1, Borough of the Bronx (the “Application”);

**WHEREAS**, the Application is related to applications C 180031 ZMX (L.U. No. 9), a zoning map amendment to change a C4-4 commercial district to a C6-3 district; and N 180033 ZRX (L.U. No. 10), a zoning text amendment to modify bulk regulations in certain C6-3 zoning districts and to designate a Mandatory Inclusionary Housing (MIH) area;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated January 16, 2018 and submitted to the Council on January 19, 2018, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on January 23, 2018;

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Application; and

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 17HPD068X) issued on August 3, 2017 (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 180032 HAX) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Project shall be developed in a manner consistent with Project Summary submitted by HPD January 19, 2018, copy of which is attached hereto and made a part hereof.

The Council approves the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

RAFAEL SALAMANCA, Jr., *Chairperson*; ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, PETER A. KOO, RORY I. LANCMAN, MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, CARLINA RIVERA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, February 8, 2018.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

## Report for L.U. No. 9 &amp; Res. No. 186

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180031 ZMX submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 6a, changing an existing C4-4 District to a C6-3 district for property at 425 Grand Concourse, Borough of the Bronx, Community Board 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 79) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:****SUBJECT****BRONX CB - 1****C 180031 ZMX**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, changing from a C4-4 District to a C6-3 District property bounded by the southerly boundary line of a playground and its easterly and westerly prolongations, Grand Concourse, East 144th Street, and Walton Avenue.

**INTENT**

To approve the amendment to the Zoning Map, Section No. 6a, which in conjunction with the related actions would facilitate the construction of a mixed-use building with affordable residential units, ground floor retail space, and community facility space in the Mott Haven neighborhood of Bronx Community District 1.

**PUBLIC HEARING****DATE:** January 23, 2018**Witnesses in Favor:** Six**Witnesses Against:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** February 6, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

**In Favor:**

Gibson, King, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** February 8, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Kallos offered the following resolution:

Res. No. 186

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180031 ZMX, a Zoning Map amendment (L.U. No. 9).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the City Planning Commission filed with the Council on December 28, 2017 its decision dated November 29, 2017 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, which in conjunction with the related actions would facilitate the construction of a mixed-use building with affordable residential units, ground floor retail space, and community facility space in the Mott Haven neighborhood of the Bronx (ULURP No. C 180031 ZMX), Community District 1, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to applications C 180032 HAX (L.U. No. 8), a UDAAP designation, project approval and disposition of City-owned property; and N 180033 ZRX (L.U. No. 10), a zoning text amendment to modify bulk regulations in certain C6-3 zoning districts and to designate a Mandatory Inclusionary Housing (MIH) area;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2018;

**WHEREAS**, the Council has considered the land use and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 17HPD068X) issued on August 3, 2017 (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and based on the environmental determination and consideration described in the report, C 180031 ZMX, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6a, from a C4-4 District to a C6-3 District property bounded by the southerly boundary line of a playground and its easterly and westerly prolongations, Grand Concourse, East 144th Street, and Walton Avenue, as shown on a diagram (for illustrative purposes only) dated August 7, 2017, Community District 1, Borough of the Bronx.

RAFAEL SALAMANCA, Jr., *Chairperson*; ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, PETER A. KOO, RORY I. LANCMAN, MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, CARLINA RIVERA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, February 8, 2018.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 10 & Res. No. 187

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180033 ZRX submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of the Bronx, Community Board 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 16, 2018 (Minutes, page 79) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:****SUBJECT****BRONX CB - 1****N 180033 ZRX**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts) and related sections, introducing regulations for R9-1 Districts mapped in a Mandatory Inclusionary Housing (MIH) area, creating special bulk regulations for a C6-3 District located in an MIH area located within Community District 1, Borough of the Bronx, and modifying APPENDIX F for the purpose of establishing an MIH area.



**INTENT**

To approve the amendment to the Zoning Resolution, which in conjunction with the related actions would facilitate the construction of a mixed-use building with affordable residential units, ground floor retail space, and community facility space in the Mott Haven neighborhood of Bronx Community District 1.

**PUBLIC HEARING**

**DATE:** January 23, 2018

**Witnesses in Favor:** Six

**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 7, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission with modifications.

**In Favor:**

Gibson, Deutsch, King, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 8, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The Committee's proposed modifications were filed with the City Planning Commission on February 8, 2018. The City Planning Commission filed a letter dated February 13, 2018, with the Council on February 13, 2018, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Salamanca and Kallos offered the following resolution:

## Res. No. 187

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180033 ZRX, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts) and related sections, introducing regulations for R9-1 Districts mapped in a Mandatory Inclusionary Housing (MIH) area, creating special bulk regulations for a C6-3 District located in an MIH area and modifying APPENDIX F for the purpose of establishing an MIH area, Community District 1, Borough of the Bronx (L.U. No. 10).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the City Planning Commission filed with the Council on December 28, 2017 its decision dated November 29, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of Housing Preservation and Development, for an amendment of the text of the Zoning Resolution of the City of New York modifying Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts) and related sections, introducing regulations for R9-1 Districts mapped in a Mandatory Inclusionary Housing (MIH) area, creating special bulk regulations for a C6-3 District located in an MIH area and modifying APPENDIX F for the purpose of establishing an MIH area. This action, in conjunction with the related actions would facilitate the construction of a mixed-use building with affordable residential units, ground floor retail space, and community facility space in the Mott Haven neighborhood of the Bronx, (Application No. N 180033 ZRX), Community District 1, Borough of the Bronx (the "Application");

**WHEREAS**, the Application is related to applications C 180032 HAX (L.U. No. 8), a UDAAP designation, project approval and disposition of City-owned property; and 180031 ZMX (L.U. No. 9), a zoning map amendment to change a C4-4 commercial district to a C6-3 district;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2018;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 17HPD068X) issued on August 3, 2017 (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180033 ZRX, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double underlined is new, added by the City Council;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article II  
Residence District Regulations**

**Chapter 1  
Statement of Legislative Intent**

\* \* \*

**21-10  
PURPOSES OF SPECIFIC RESIDENCE DISTRICTS**

\* \* \*

**21-15  
R3-2, R4, R4B, R5, R6, R7, R8, R9 and R10 - General Residence Districts**

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on density, open space, and spacing of buildings. However, R4B Districts are limited to single- or two-family dwellings, and zero lot line buildings are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B) Districts. The various districts are mapped in relation to a desirable future residential density pattern, with emphasis on accessibility to transportation facilities and to various community facilities, and upon the character of existing development. These districts also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment.

R7-3 and R9-1 Districts may be mapped only as specified in this paragraph. Such districts may be mapped within the waterfront area and in the Special Mixed Use Districts, and, in addition, R7-3 Districts may be mapped in the Special Long Island City Mixed Use District, and R9-1 Districts may be mapped in Mandatory Inclusionary Housing areas.

\* \* \*

**Article II  
Residence District Regulations**

**Chapter 3  
Residential Bulk Regulations in Residence Districts**

\* \* \*

**23-10  
OPEN SPACE AND FLOOR AREA REGULATIONS**

\* \* \*

**23-15**  
**Open Space and Floor Area Regulations in R6 Through R10 Districts**

\* \* \*

**23-154**  
**Inclusionary Housing**

\* \* \*

(d) Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

\* \* \*

(2) Maximum #floor area ratio#

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section shall apply to any #MIH development#, except:

(i) in an R6 District without a letter suffix the maximum #floor area ratio# for any #MIH development# shall be 3.6 in the following areas:

(aa) Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017, in Community District 9 in the Borough of the Bronx; and

(bb) Mandatory Inclusionary Housing Program Area 2, as of September 7, 2017, in Community District 14 in the Borough of Queens.

(ii) in an R7-1 District the maximum #floor area ratio# for any #MIH development# shall be 4.6;

(iii) in an R7-3 or R7X District, the maximum #floor area ratio# for any #MIH development# shall be 6.0; and

(iv) in an R9-1 District the maximum #floor area ratio# for any # MIH development# shall be 9.0.

\* \* \*

**23-155**  
**Affordable independent residences for seniors**

R6 R7 R8 R9 R10

\* \* \*

MAXIMUM FLOOR AREA RATIO FOR  
AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS  
IN QUALITY HOUSING BUILDINGS

District	Maximum #Floor Area Ratio#
*	*
R9	8.00
<u>R9-1</u>	<u>9.00</u>
R9A	8.50
*	*

**23-60**  
**HEIGHT AND SETBACK REGULATIONS**

\* \* \*

**23-66**  
**Height and Setback Requirements for Quality Housing Buildings**

\* \* \*

**23-664**  
**Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors**

\* \* \*

(c) Alternative regulations for certain #Quality Housing buildings# in non-contextual districts

For #Quality Housing buildings# in R6 through R8 Districts without a letter suffix and in an R9-1 District, the #street wall# location provisions of Sections 23-661 and the height and setback provisions of Section 23-662 and paragraph (b) of this Section need not apply to:

\* \* \*

TABLE 2

ALTERNATIVE MAXIMUM BASE HEIGHT  
AND MAXIMUM BUILDING HEIGHT  
FOR CERTAIN QUALITY HOUSING BUILDINGS  
IN NON-CONTEXTUAL DISTRICTS

District	Maximum Base Height (in feet)	Maximum Height of #Building or other Structure# (in feet)	Maximum Number of #Stories#
R6	65	115	11
R7	75	135	13
R8	105	215	21
<u>R9-1</u>	<u>125</u>	<u>285</u>	<u>28</u>

**23-90  
INCLUSIONARY HOUSING**

\* \* \*

**23-95  
Compensated Zoning Lots and MIH Zoning Lots**

\* \* \*

**23-952  
Height and setback in Mandatory Inclusionary Housing areas**

In #Mandatory Inclusionary Housing areas#, the provisions of Section 23-951 shall apply to #MIH developments#, except as modified in this Section.

- (a) In R9 Districts without a letter or number suffix, the regulations of Section 23-651 (Tower-on-a-base) may apply, provided such #MIH development# is on a #zoning lot# that meets the requirements set forth in paragraph (a) of Section 23-65 (Tower Regulations).
- (b) In R6 through R9 Districts without a letter suffix within #Mandatory Inclusionary Housing areas#, the height and setback regulations of Section 23-64 (Basic Height and Setback Regulations) may apply, except that towers shall not be permitted in an R9-1 District. In addition, for R9 Districts, without a letter or number suffix, that do not meet the requirements of paragraphs (a) and (c) of Section 23-65 (Tower Regulations), the tower provisions of Section 23-652 (Standard tower) may apply, subject to the #lot coverage# provisions of Section 23-65. However, when the height and setback and tower regulations specified in this paragraph are utilized, the maximum #floor area ratio# on an #MIH zoning lot# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

\* \* \*

**Article II  
Residence District Regulations**

**Chapter 5  
Accessory Off-Street Parking and Loading Regulations**

\* \* \*

**25-026  
Applicability of regulations in the waterfront area**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

R7-3 Districts shall be governed by the #accessory# off-street parking regulations of an R7-2 District; ~~R9-1 Districts shall be governed by such regulations for an R9 District.~~

\* \* \*

**ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 5  
Bulk Regulations for Mixed Buildings in Commercial Districts**

\* \* \*

**35-30  
APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS**

**35-31  
Maximum Floor Area Ratio**

C1 C2 C3 C4 C5 C6

In the districts indicated, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. Special rules for certain areas are set forth in Section 35-35 (Special Floor Area Ratio Provisions for Certain Areas).

\* \* \*

**35-35  
Special Floor Area Ratio Provisions for Certain Areas**

**35-351  
Special floor area regulations in C6-3 Districts within Community District 1, Borough of the Bronx**

In C6-3 Districts without a letter suffix in #Mandatory Inclusionary Housing Program Area 4 (date of adoption) areas# in Community District 1, in the Borough of the Bronx, for #MIH developments# or #affordable independent residences for seniors#, the #residential floor area ratio# shall be that for an R9-1 District set forth

in paragraph (d) of Section 23-154 (Inclusionary Housing) or in Section 23-155 (Affordable independent residences for seniors), as applicable.

\* \* \*

**35-60  
MODIFICATION OF HEIGHT AND SETBACK REGULATIONS**

\* \* \*

**35-61  
Applicability**

C1 C2 C3 C4 C5 C6

In the districts indicated, height and setback regulations are modified for #mixed buildings# in 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

Height and setback modifications applicable to C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts are set forth in Section 35-62 (Commercial Districts with an R1 through R5 Residential Equivalent). Height and setback modifications applicable to C1 or C2 Districts mapped within R6 through R10 Districts, and #Commercial Districts# with a residential equivalent of R6 through R10 Districts, are set forth in Sections 35-63 (Basic Height and Setback Modifications), 35-64 (Special Tower Regulations for Mixed Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), as applicable. Special rules for certain areas are set forth in Section 35-66 (Special Height and Setback Regulations for Certain Areas).

\* \* \*

**35-65  
Height and Setback Requirements for Quality Housing Buildings**

\* \* \*

**35-654  
Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors**

C1 C2 C4 C5 C6

\* \* \*

(b) for such #Quality Housing buildings# in C1 or C2 Districts mapped within R6 through R8 Districts without a letter suffix or ~~in~~ within an R9-1 District, or in other #Commercial Districts# with a residential equivalent of an R6 though R8 District without a suffix, the #street wall# location and height and setback provisions of Sections 35-651 and 35-652 need not apply to #buildings# on #zoning lots# that meet the criteria set forth in:

\* \* \*

**35-66  
Special Height and Setback Regulations for Certain Areas**



**35-661**

**Special height and setback regulations in certain C6-3 Districts within Community District 1, Borough of the Bronx**

In C6-3 Districts without a letter suffix in #Mandatory Inclusionary Housing Program Area 4 (date of adoption) areas# in Community District 1, in the Borough of the Bronx, for an #MIH development# that is also an #MIH site# or for a #development# containing no #residences# other than #affordable independent residence for seniors#, the #street wall# location and height and setback provisions of Sections 35-651 and 35-652 shall not apply. In lieu thereof, the height and setback regulations for an R9-1 District set forth in paragraph (c) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), shall apply.

**36-027**

**Applicability of regulations in the waterfront area**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

In #Commercial Districts# where #residential uses# are governed by the #bulk# regulations of R7-3 Districts, the #accessory# off- street parking regulations of R7-2 Districts shall apply to #residential uses#. ~~In #Commercial Districts# governed by R9-1 District regulations, the #accessory# parking regulations of R9 Districts shall apply to #residential uses#.~~

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**BRONX**

\* \* \*

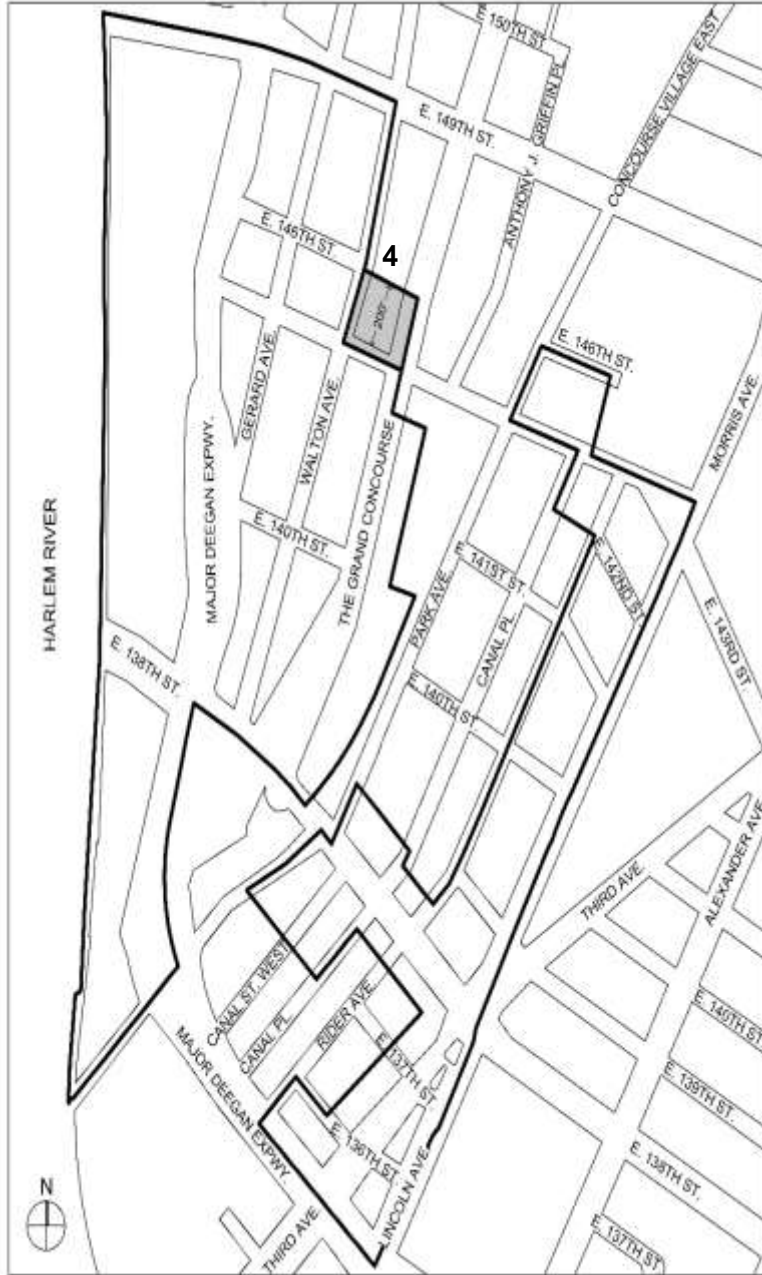
**Bronx Community District 1**

In the #Special Harlem River Waterfront District# (see Section 87-20) and in the R7A, R7X and R8A Districts within the areas shown on the following Maps 1, 2 and 3:

\* \* \*

Map 1 – [date of adoption]

[PROPOSED MAP]



- Inclusionary Housing designated area
- Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area 4 — [date of adoption] MIH Program Option 1

RAFAEL SALAMANCA, Jr., *Chairperson*; ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, PETER A. KOO, RORY I. LANCMAN, MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, CARLINA RIVERA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, February 8, 2018.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

### **Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Cherrelle Riddick	307 West 117th Street #3B New York, New York 10026	9
Lilian Ruiz	160 West Kingsbridge Road #5A Bronx, New York 10463	14
Cynthia Gonzalez	1718 Garfield Street Bronx, New York 10460	15
Desmond Carlo	905 Tinton Avenue MOB Bronx, New York 10456	16
Lauren M.P. Bovell	870 Southern Blvd MB Bronx, New York 10459	17
Sarah Janvier	133-08 234th Street Queens, New York 11422	31
Medjine Pierie	388 St. Marks Avenue MB Brooklyn, New York 11238	35
Latonya Ashley	131 Jersey Street #4K Staten Island, New York 10301	49
Kristel Gunderson	128 Delaware Street Staten Island, New York 10304	50

William Ortiz	1064 Hylan Blvd Staten Island, New York 10305	50
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Giuseppe DeSerio	243 Darlington Avenue Staten Island, New York 10312	51
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*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Lucy Eng-D'Andrilli	40 First Avenue #11C New York, New York 10009	2
Bruce Brandwen	20 West 76th Street #5A New York, New York 10023	6
Kenneth Corprew	50 West 131st Street #5C New York, New York 10037	9
Catherine Ziegler	1115 Quincy Avenue Bronx, New York 10465	13
Wayne Cunningham	800 Concourse Village West #24L Bronx, New York 10451	16
Lillian Robles	2015 Marmion Avenue Bronx, New York 10460	17
Linda Brown	2050 Seward Avenue #3N Bronx, New York 10473	18
Darlyne Joseph	33-32 96th Street Queens, New York 11368	21
Antoinette Waite	143-50 Hoover Avenue #412 Jamaica, New York 11435	24
Maria M. Rivera Cruz	61-39 172nd Street Flushing, New York 11365	24
Ameena M. Hanif	94-11 59th Avenue #C23 Elmhurst, New York 11373	25
Gregory Finch	83-21 Cornish Avenue #3 Elmhurst, New York 11373	25
Noemi Rodriguez	91-47 195th Street Bsmt Hollis, New York 11423	27

Noreen Hollingsworth	119-09 180th Street Jamaica, New York 11434	27
Ollie M. Bowens	119-05 234th Street Queens, New York 11411	27
Myrna Ortiz	62-09 62nd Avenue Queens, New York 11379	30
Janice Jackson	125 Beach 17th Street #23A Far Rockaway, New York 11691	31
Donna Leak	320 Beach 100th Street #10H Rockaway Park, New York 11694	32
Mona Singletary	49 Crown Street #14G Brooklyn, New York 11225	35
Ada N. Munoz	1328 Union Street Bsmt Brooklyn, New York 11213	37
Jose J. Rivera	109 St. Nicholas Avenue #2R Brooklyn, New York 11237	37
Stan Charles	873 Liberty Avenue Brooklyn, New York 11208	37
Maria McLoud	66 15th Street #1 Brooklyn, New York 11215	39
Denise DeLagarde	1411 Linden Blvd #9F Brooklyn, New York 11212	42
Gem Gardner	339 Berriman Street Brooklyn, New York 11208	42
Ina Freeman	373 Wyona Street Brooklyn, New York 11207	42
Trevor S. Williams	1326 Blake Avenue #2 Brooklyn, New York 11208	42
Irving Jacobs	129 Bayridge Parkway Brooklyn, New York 11209	43
Robert J. Romano	7201 15th Avenue Brooklyn, New York 11228	43
Anthony Macca	1063 East 2nd Street Brooklyn, New York 11230	44

Mary Carbonaro	2073 East 38th Street Brooklyn, New York 11234	46
Miriam Gonzalez	2844 West 22nd Street Brooklyn, New York 11224	47
Peggy Lee Endress	227 Buel Avenue #3A Staten Island, New York 10305	50
Barbra S. Fischetti	24 Blue Heron Court Staten Island, New York 10312	51
Cindy Marie Benenati	598 Yetman Avenue Staten Island, New York 10307	51
Helen J. McHugh	111 Montreal Avenue Staten Island, New York 10306	51
Joan A. Santore	684 Rensselaer Avenue Staten Island, New York 10312	51
Linda M. Quinn	18 Presley Street Staten Island, New York 10308	51
Vincent DeGeorge	74 Sandalwood Drive Staten Island, New York 10308	51

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**ROLL CALL ON GENERAL ORDERS FOR THE DAY**  
**(Items Coupled on General Order Calendar)**

- |   |  |
|---|--|
| (1) <b>L.U. 6 &amp; Res 183 -</b>                                       | App. <b>C 180023 ZSM</b> Manhattan,<br>Community Board 8, Council District<br>5.<br>GO |
| (2) <b>L.U. 8 &amp; Res 185 -</b>                                       | App. <b>C 180032 HAX</b> Bronx,<br>Community Board 1, Council District<br>17.<br>GO    |
| (3) <b>L.U. 9 &amp; Res 186 -</b>                                       | App. <b>C 180031 ZMX</b> Bronx,<br>Community Board 1, Council District<br>17.<br>GO    |
| (4) <b>L.U. 10 &amp; Res 187 -</b>                                      | App. <b>N 180033 ZRX</b> Bronx,<br>Community Board 1, Council District<br>17.<br>GO    |
| (5) <b>L.U. 14 &amp; Res 184 -</b>                                      | App. <b>20185164 HAX</b> Bronx,<br>Community Board 1, Council District<br>17.<br>GO    |
| (6) <b>Resolution approving various persons Commissioners of Deeds.</b> |  |

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Koo, Koslowitz, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **45**.

**The General Order vote recorded for this Stated Meeting was 45-0-0 as shown above.**



## INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 410

By The Speaker (Council Member Johnson).

### **A Local Law to amend the administrative code of the city of New York, in relation to shelter for runaway and homeless youth**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended to add new section 21-408 to read as follows:

§ 21-408 *Runaway and homeless reporting. a. Definitions. For the purposes of this section, the term “test assessing secondary completion (TASC)” means the New York state high school equivalency test which replaced the General Education Development (GED) as the primary pathway to a New York state high school equivalency diploma.*

*b. Not later than October 1, 2018, and on or before October 1 annually thereafter, the department shall submit to the speaker of the council and post on its website annual reports on the prior fiscal year ending June 30th regarding runaway and homeless youth. Such reports shall include, but not be limited to, the following information:*

*1. A description of the size and characteristics of the current population of runaway and homeless youth, to the extent known, including but not limited to gender identity, sexual orientation, race, ethnicity, and disabilities.*

*2. A description of the service needs of the current population of runaway and homeless youth, to the extent known, including but not limited to educational assistance, TASC preparation, medical services, mental health services, services for sexually exploited children, and temporary shelter.*

*3. A breakdown of the dispositions of runaway and homeless youth who exited the temporary shelter system in the previous calendar year disaggregated by categories including but not limited to transitioned from a runaway and homeless youth crisis services program to a transitional independent living support program, reconnected with family, transitioned to a department of homeless services shelter, transitioned to a New York city housing authority apartment, transitioned to a private apartment, and exited to an unknown location.*

*4. A description of the public resources available to serve runaway and homeless youth including any new services established since the submission of the previous report required pursuant to this section and any existing services that will be expanded.*

§ 2. Chapter 4 of title 21 of the administrative code of the city of New York is amended to add new section 21-409 to read as follows:

§ 21-409 *Capacity plan. No later than October 1, 2018, the department shall develop and submit to the speaker of the council and post on its website a plan to provide shelter services to all runaway youth and homeless youth who request such shelter from the department, consistent with regulations of the office of children and family services. Such plan shall be informed by the report required pursuant to section 21-404.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Youth Services (preconsidered but laid over by the Committee on Youth Services).

Int. No. 411

By Council Members Chin, Levine and Rosenthal

### **A Local Law to amend the administrative code of the city of New York, in relation to inspections for social adult day cares and senior centers and reporting**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17.199.7 to read as follows:

*§ 17-199.7 Inspections for social adult day cares and senior centers; reporting. a. For purposes of this section, the following terms have the following meanings:*

*Senior Center. The term “senior center” has the same definition as set forth in section 21-201.*

*Social Adult Day Care. The term “social adult day care” has the same definition as set forth in section 21-201.*

*Food Service Establishment. The term “food service establishment” has the same definition as set forth in section 81.03 of the health code of the city of New York.*

*b. The department shall ensure that each senior center and social adult day care that is a food service establishment is inspected on an annual basis as required by article 81 of the health code of the city of New York.*

*c. Beginning February 1, 2019, and annually thereafter, the department shall submit a report to the mayor and the speaker of the city council regarding the department’s activities with respect to inspections of social adult day cares and senior centers that qualify as food service establishments. The report shall include the names of all social adult day cares and senior centers, disaggregated by district, inspected that year and the results of such inspections, including but not limited to the letter grade received, notices of violations issued, if any, or other corrective action required, and the resolution, if any, of such violations or required corrective action.*

§2. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-204.1 to read as follows:

*§21-204.1 Inspections for social adult day cares and senior centers; reporting. The department shall provide the department of health and mental hygiene a list of all social adult day cares registered with the department and all senior centers in the city on an annual basis and update the department of health and mental hygiene throughout the year of any changes to either list.*

§2. This local law takes effect 90 days after it becomes law, except that the department of health and mental hygiene and the department for the aging may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Aging.

Int. No. 412

By Council Member Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on how many athletic programs, based on gender, are offered to students**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new Chapter 21 to title 21-A to read as follows:

**CHAPTER 21**  
*Reporting on Athletic Programs*

*§ 21-988 a. For the purpose of this section, the following terms have the following meanings:*

*Athletic program. The term “athletic program” means any sports program designed to educate students on physical fitness, character development, and socialization skills through teamwork, discipline, and sportsmanship including interscholastic competition for all public school students.*

*Coed. The term “coed” means available to both male and female students.*

*New athletic program. The term “new athletic program” means athletic programs made newly available during the reporting period.*

*b. Beginning on May 1, 2018, and annually thereafter on or before May 1, the department shall submit to the speaker of the council, post to its website and make available to students and parents, an annual report regarding the equal access of its athletic programs. Such report shall include, but not be limited to:*

- 1. The total number of male and female students enrolled in each school;*
- 2. The total number and percentage of the athletic programs available to male students only, including descriptions of such programs;*
- 3. The total number and percentage of the athletic programs available to female students only, including descriptions of such programs;*
- 4. The total number and percentage of the athletic programs available on a coed basis, including descriptions of such programs;*
- 5. The total number and percentage of new athletic programs available to male students only, including descriptions of such programs;*
- 6. The total number and percentage of new athletic programs available to female students only, including descriptions of such programs;*
- 7. The total number and percentage of new athletic programs available on a coed basis, including descriptions of such programs;*
- 8. The total number of requests made by schools, for new athletic programs for male students only or female students only, including descriptions of programs requested;*
- 9. The total number of requests made by schools for new athletic programs that will be coed, including descriptions of programs requested;*
- 10. The number and percentage of the requests that were approved; and*
- 11. The number and percentage of requests that were denied and the reasons for such denial.*

*c. All information required by this section shall be aggregated citywide, as well as disaggregated by borough, council district, community school district, and school.*

*d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 413

By Council Members Chin and Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to information on homeless seniors**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-323 to read as follows:

§ 21-323 *Homeless seniors. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department;*

*Unsheltered homeless person. The term “unsheltered homeless person” means an individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.*

*b. Any report produced by the department and made available to the public which includes information on persons residing in shelter or unsheltered homeless persons shall include the number of such persons who are 62 years of age or older, to the extent that such data is available.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 414

By Council Member Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to safety signs in elevators**

*Be it enacted by the Council as follows:*

Section 1. Article 315 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-315.4.2 to read as follows:

**§ 28-315.4.2 Signage in elevators.** *The posting of emergency safety signs inside elevators in accordance with the retroactive requirements of section 3002.3.2 of the New York city building code shall be completed on or before March 31, 2019.*

§ 2. Section BC 3002 of the New York city building code is amended by adding a new section 3002.3.2 to read as follows:

**3002.3.2 Emergency safety signs in elevators.** *A sign shall be posted and maintained in a conspicuous location inside each elevator instructing passengers on what to do in the event of an elevator malfunction. Such sign shall be in a form approved by the department and shall be posted in a manner established by the department. This provision shall be retroactive and shall apply to all elevators in existence on the effective date of this provision, and such elevators shall achieve compliance no later than March 31, 2019.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 415

By Council Members Chin and Levine.

**A Local Law in relation to requiring the New York city housing authority to report annually on senior centers within NYCHA buildings**

*Be it enacted by the Council as follows:*

Section 1. a. The New York city housing authority shall submit to the mayor and the council, and make publicly available online, annual reports beginning on June 1, 2017, related to senior centers in New York city housing authority developments. Such reports shall include, at a minimum, the following:

1. The number of senior centers in New York city housing authority developments disaggregated by whether the center is operated by the New York city housing authority, the department for the aging, or another entity;
  2. The location of each senior center disaggregated by development, community district and community board;
  3. The number of complaints filed with the New York city housing authority regarding each senior center;
  4. Actions taken by the New York city housing authority to address such complaints;
  5. The amount of rent charged to each senior center;
  6. The number of people served by each senior center disaggregated by New York city housing authority residents and non-New York city housing authority residents;
  7. The number of people turned away annually by each senior center because of lack of capacity, if any; and
  8. The programs provided by each senior center.
- b. Such information shall be made publicly available in a non-proprietary format that permits automated processing.
- § 2. This local law takes effect immediately.

Referred to the Committee on Public Housing.

Int. No. 416

By Council Member Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to opportunities for disabled-owned business enterprises in city procurement**

*Be it enacted by the Council as follows:*

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-138.1 to read as follows:

*§ 6-138.1 Participation by disabled-owned business enterprises in city procurement. The commissioner of the department of small business services, in consultation with the city chief procurement officer, shall, for each industry classification, review and compare the availability rates of disabled-owned businesses and the utilization rates of such businesses, in agency contracts and any contracts between prime contractors for the city and their subcontractors. On the basis of such review and any other information, including but not limited to, information relevant to the extent to which discrimination has an impact on the ability of disabled-owned businesses to compete for city contracts and subcontracts, the commissioner shall, by March 1, 2019, determine the need for a citywide program to promote opportunities in city procurement for disabled business owners and submit to the council a report that shall include the determination and the basis for such determination. For purposes of this section, disabled shall mean a person with a disability, as such term is defined in subdivision 16 of section 8-102 of title 8 of this code.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Contracts.

## Int. No. 417

By Council Member Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to incentivizing water leak reporting**

*Be it enacted by the Council as follows:*

Section 1. Section 24-316 of chapter 3 of title 24 of the administrative code of the city of New York is amended to read as follows:

§ 24-316. Leaking tap or service pipe to be repaired; *rewards*.

a. As used in this section:

1. “tap” means a connection made between a city-owned pipe or main supplying water and a service pipe.
2. “service pipe” means a pipe used to carry water from a tap to a house control valve, a building or other enclosure or a point at which the water supply is fully metered.

b. When a test made by the department of environmental protection indicates that there is a leak at a tap or in a service pipe, if conditions permit, a notice shall be served by a representative of such department upon the owner or occupant of the premises being supplied by such tap or service pipe. The notice shall direct that all necessary repairs be made to stop the leak.

c. In the event that a tap is shut off by the department because of a leak, the owner or occupant of the affected premises shall be notified that the tap has been closed and that a licensed plumber should be engaged to make the necessary repair and take charge of the street excavation. If the owner or occupant fails within three days after notice, excepting emergencies as determined by the commissioner to engage a licensed plumber, the tap shall remain closed and the department of environmental protection shall backfill the excavation.

*d. The commissioner of environmental protection may offer rewards to any person who provides information to the department that leads to the test and detection of a leaking tap or service pipe pursuant to this section. No such reward may exceed \$1,000. Such rewards may be offered only if there exists an unexpended appropriation therefor.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of environmental protection shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

## Int. No. 418

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing fines and penalties for owning, conducting or operating a home improvement business without a license**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 20-396 of the administrative code of the city of New York is amended to read as follows:

a. Any contractor, canvasser or seller of home improvements who shall knowingly make any false or fraudulent representations or statements or who makes or causes any such statements to be made in respect to the character of any sale, or the party authorizing the same, or as to the quality, condition, or value of any property offered by him or her for sale, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment not exceeding one year or by a fine not exceeding [one] five thousand dollars.

§2. Subdivision 1 of section 20-401 of the administrative code of the city of New York is amended to read as follows:

1. a. Any person who shall own, conduct or operate a home improvement business without a license therefor or who shall knowingly violate any of the provisions of this subchapter or any rules promulgated thereunder, with the exception of violations referred to in section 20-396 of this subchapter, or having had his or her license suspended or revoked shall continue to engage in such business, shall be guilty of a misdemeanor, and upon conviction, shall be punishable by imprisonment for not more than six months, or by a fine of not more than [one] *five* thousand dollars, or both such fine and imprisonment, and each such violation shall be deemed a separate offense.

b. In addition to the penalties provided by paragraph a of this subdivision and those provided by sections 20-105 and 20-106 of chapter one of this title, any person who violates any of the provisions of this subchapter shall be liable for a penalty of not more than [one] *five* thousand dollars for each such violation.

§3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 419

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to generating, capturing and utilizing energy from city's water supply, wastewater treatment systems and natural bodies of water**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 24-366 of the administrative code of the city of New York, as added by local law number 24 for the year 2012, is amended to read as follows:

d. [The] A resource assessment, technological review and economic analysis shall be completed [within eighteen months of the effective date of the local law that added this section] *by December 1, 2012, and by December 31 in every tenth year thereafter*, and shall be submitted to the mayor and the speaker of the council.

§ 2. Section 24-366 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. For each site identified in a resource assessment developed after December 1, 2012 where the department determines that generating electricity would be economically viable and would not negatively impact the safety of drinking water, the department shall promptly undertake appropriate measures to generate, capture and utilize energy from such site through the use of turbines or other equipment, provided that such turbine or other equipment is certified safe for drinking water in accordance with National Sanitation Foundation (NSF) standard 61 or 372 or a standard developed or adopted by the department, except that the department may elect to undertake such measures when undertaking an improvement or substantial repair at such site.*

§ 3. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 420

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to testing for lead in the soil of public parks and remediation of lead-contaminated soil**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.6 to read as follows:

§ 17-199.6 *Testing of soil for lead in parks.* a. *For the purposes of this section, the term “state arterial highway” means a route or thoroughfare as described in section 349-f of the highway law.*

b. *The department shall:*

1. *Test for lead in the soil on lands under the jurisdiction of the department of parks and recreation located within 300 feet of a state arterial highway or within 300 feet of one of the bridges or tunnels that crosses over or under a body of water from one of the other four boroughs to Manhattan;*

2. *Convey the results of such tests to the public; and*

3. *Notify the department of parks and recreation.*

c. *The department shall post such results online and shall include:*

1. *Information about the concentration of lead found in the soil;*

2. *Whether such concentration of lead poses a risk of significant lead exposure or lead poisoning to individuals exposed to it;*

3. *General information about any ongoing environmental remediation efforts in parks found to contain lead; and*

4. *Information on how to limit the risk of lead exposure.*

§ 2. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-155 to read as follows:

§ 18-155 *Remediation of lead-contaminated soil.* a. *Definitions. For the purposes of this section, the term “phytoremediation” means the use of plants and associated soil microbes to reduce the concentrations or toxic effects of contaminants in the environment.*

b. *Upon notification by the department of health and mental hygiene that soil on lands under its jurisdiction are contaminated with lead as provided in section 17-199.6, the department shall remediate such lead-contaminated soil using phytoremediation along with any other method the department deems appropriate.*

§ 3. *This local law takes effect 90 days after it becomes law.*

Referred to the Committee on Environmental Protection.

Int. No. 421

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to renewable natural gas**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 24-163.1 of the administrative code of the city of New York is amended to read as follows:

§ 24-163.1 *Definitions.* a. *When used in this section or in section 24-163.2 of this chapter:*

*Alternative fuel.* *The term “[A]alternative fuel” means natural gas, biomethane or renewable natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least [eighty-five] 85 percent, singly or in combination, methanol, ethanol, any other alcohol or ether.*

*Alternative fuel motor vehicle.* *The term “[A]alternative fuel motor vehicle” means a motor vehicle that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.*

*Average fuel economy.* *The term “[A]average fuel economy” means the sum of the fuel economies of all motor vehicles in a defined group divided by the number of motor vehicles in such group.*



*Biomethane or renewable natural gas.* The terms “biomethane” or “renewable natural gas” means methane derived from biogas after carbon dioxide and other impurities present in the biogas are chemically or physically separated from the gaseous mixture.

*Bi-fuel motor vehicle.* The term “[B]bi-fuel motor vehicle” means a motor vehicle that is capable of being operated by both an alternative fuel and gasoline or diesel fuel, but may be operated exclusively by any one of such fuels.

*Equivalent carbon dioxide.* The term “[E]equivalent carbon dioxide” means the metric measure used to compare the emissions from various greenhouse gases emitted by motor vehicles based upon their global warming potential according to the California air resources board or the United States environmental protection agency.

*Fuel economy.* The term “[F]fuel economy” means the United States environmental protection agency city mileage published label value for a particular motor vehicle, pursuant to section 32908(b) of title 49 of the United States code.

*Gross vehicle weight rating.* The term “[G]gross vehicle weight rating” means the value specified by the manufacturer of a motor vehicle model as the maximum design loaded weight of a single vehicle of that model.

*Light-duty vehicle.* The term “[L]light-duty vehicle” means any motor vehicle having a gross vehicle weight rating of 8,500 pounds or less.

*Medium-duty vehicle.* The term “[M]medium-duty vehicle” means any motor vehicle having a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds.

*Motor vehicle.* The term “[M]motor vehicle” means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff’s office of the department of finance, police department, fire department, department of correction, or office of the chief medical examiner.

*Purchase.* The term “[P]purchase” means purchase, lease, borrow, obtain by gift or otherwise acquire.

*Use-based fuel economy.* The term “[U]use-based fuel economy” means the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 422

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to the testing of soil for the presence of lead**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.7 to read as follows:

§ 17-199.7 *Testing of soil for lead.* a. For the purposes of this section, the following terms have the following meanings:

*Manhattan river crossing.* The term “Manhattan river crossing” means one of the bridges or tunnels to Manhattan that crosses over or under a body of water.

*State arterial highway.* The term “state arterial highway” means a route or thoroughfare as described in section 349-f of the highway law.

*Tenant.* The term “tenant” means a tenant, subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any premises.

*b. The department shall publish online a map showing property in the city located within 300 feet of a state arterial highway or Manhattan river crossing.*

*c. Upon request by a property owner of any building or lot of ground in the city located within 300 feet of a state arterial highway or Manhattan river crossing, or by a tenant of such a building, the department shall test the soil located on said property owner's land for lead and convey the results of such test to said property owner or tenant. Such results shall include:*

- 1. Information about the concentration of lead found in the soil;*
- 2. Whether such concentration of lead found in the soil is such that there is a risk of significant lead exposure or lead poisoning to individuals who are exposed to it;*
- 3. Information about applying for the NYC voluntary cleanup program; and*
- 4. General information about environmental remediation of soil that contains lead; and*
- 5. Information on how to limit the risk of lead exposure.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Environmental Protection.

Int. No. 423

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to a pilot project for installing moss wall units in the city**

*Be it enacted by the Council as follows:*

Section 1. Moss wall units pilot project. a. Definitions. As used in this local law, the following terms have the following meanings:

Moss wall unit. The term “moss wall unit” means a wall or vertical structure containing natural moss plants and moss culture used for the purpose of capturing airborne pollutants and reducing greenhouse gas emissions.

City building. The term “city building” means a building that is more than 10,000 gross square feet, as it appears in the records of the department of finance, that is owned by the city or for which the city regularly pays all of the annual energy bills, provided that two or more buildings on the same tax lot shall be deemed to be one building.

b. Installation of moss wall units. No later than September 30, 2018, one or more offices or agencies designated by the mayor, shall install, or cause to be installed, moss wall units in at least 3 locations in the city, in accordance with the following criteria:

1. At least 1 moss wall unit shall be installed at or near a city building that was built before the year 1968.
2. At least 1 moss wall unit shall be installed at or near a city building that was built after the year 1968 and before the year 2000.
3. At least 1 moss wall unit shall be installed at or near a city building that was built after the year 2000.
4. All moss wall units shall be installed adjacent to a vent or exhaust carrying emissions from the city building to the outdoors, such that the outflow of the said emissions can be directed at the moss wall unit, allowing the said emissions to come into direct contact with the moss wall unit.

c. Report. No later than September 30, 2019, one or more offices or agencies designated by the mayor shall submit to the mayor and council a report analyzing the feasibility and appropriateness of installation of moss wall units throughout the city. Such report shall include, but need not be limited to:

1. An analysis of the costs and benefits of acquisition, installation, operation and maintenance of moss wall units in the city, including a review of the effectiveness of the moss wall units installed pursuant to subdivision b of this section with respect to reduction of greenhouse gas emissions and capturing of airborne pollutants, as well as other environmental benefits, security or other concerns and any available federal or state funds or incentives for the acquisition, installation, operation or maintenance of such systems; and

2. Substantive recommendations regarding whether and where to install more moss wall units throughout the city.

§ 2. This local law takes effect immediately and is deemed repealed following the submission to the mayor and council of a report in accordance with subdivision c of section 1 of this law.

Referred to the Committee on Environmental Protection.

Int. No. 424

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing sewer system backups**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-503.1 to read as follows:

§ 24-503.1 *Repeat sewer backups.* a. *As used in this section, the following terms have the following meanings:*

*Sewer system.* The term “sewer system” means all sewers, drains, pipes and appurtenances owned, operated or maintained by the city and used to convey sewage.

*Sewer backup.* The term “sewer backup” means a non-permitted release of sewage from the sewer system.

b. *The commissioner of environmental protection shall ensure that where a sewer backup occurs more than once, at the same location within a twelve month period, the portion of the sewer system causing the second or subsequent backup is identified and cleaned within 10 days of such subsequent backup.*

§2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 425

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the city to prepare a plan to prevent sewer system backups**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-503.1 to read as follows:

§ 24-503.1 *Plan to prevent sewer backups.* a. *As used in this section, the following terms have the following meanings:*

*Sewer system.* The term “sewer system” means all sewers, drains, pipes and appurtenances owned, operated or maintained by the city and used to convey sewage.

*Sewer backup.* The term “sewer backup” means a non-permitted release of sewage from the sewer system.

b. *By no later than December 31, 2018, the commissioner of environmental protection shall submit to the mayor and the council, and post on the department of environmental protection’s website, a plan to prevent sewer backups. Such plan shall include, but not be limited to:*

1. *A general cleaning and maintenance schedule for the sewer system;*

2. *An identification of areas with, on average, more than one sewer backup in a 12 month period;*

3. *A targeted cleaning and maintenance schedule for areas with, on average, more than one sewer backup in a 12 month period;*

4. A schedule for the citywide roll out of remote sewer monitoring devices;
  5. A citywide assessment of the impact of fats, oils and grease on the sewer system; and
  6. A citywide root control strategy.
- § 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Environmental Protection.

Int. No. 426

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York in relation to the installation of solar water heating and thermal energy systems on city-owned buildings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-207.2 to read as follows:

§ 4-207.2 *Solar water heating and thermal energy systems for city-owned buildings. a. As used in this section:*

*City building. The term “city building” shall have the meaning ascribed to such term in section 28-309.2 of the code.*

*Commissioner. The term “commissioner” means the commissioner of citywide administrative services.*

*Cost-effective. The term “cost effective” means, with respect to the installation of a solar water heating or thermal energy system, that the cumulative savings expected to result from such installation, including expected savings in energy costs, will in 25 years or less, equal or exceed the expected costs of such installation, less all federal, state and other non-city governmental assistance available to offset the cost of such installation and including the social cost of carbon value, as described in paragraphs 3 and 4 of subdivision d of section 3-125 of the code; provided, however, that a higher site- or project-specific social cost of carbon value may be developed and used in lieu of the social cost of carbon value described in such paragraphs. Department. The term “department” means the department of citywide administrative services.*

*b. The department, or any other agency authorized by the commissioner, shall, within one year from the effective date of the law that added this section, submit to the mayor and the council a feasibility study of all city-owned buildings identifying where solar water heating and thermal energy systems would be cost-effective. The feasibility study shall describe any federal or state funds or incentives that would be available to defray costs related to the installation, operation or maintenance of such systems.*

*c. A solar water heating system shall be installed on all city-owned buildings where the feasibility study has found such system to be cost-effective, provided that the procurement and installation of such system conforms with all other applicable laws. The department may prioritize the installation of solar water heating systems based on the expected useful life of the currently installed water heating system, the expected cost savings of such solar water heating system, and by any other criteria determined by the commissioner.*

*d. Not later than December 15 of the year following the submission of the feasibility study, and every second year thereafter, the department shall report to the mayor and the council the following:*

*1. The number of city-owned buildings where the installation of a solar water heating or thermal energy system would be cost effective, and the projected annual energy and other cost savings for each such system, both individually and in the aggregate.*

*2. The number of city-owned buildings that have commenced installation of a solar water heating or thermal energy system.*

*3. The number of city-owned buildings that have completed the installation of a solar water heating or thermal energy system.*

4. *The annual energy and other cost savings, and any other environmental benefits associated with the systems of completed systems.*

5. *New or updated information regarding technological, pricing, or socio-economic issues pertaining to solar water heating and thermal energy systems.*

§ 2. Subchapter 4 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-367 to read as follows:

§ 24-367 *Solar water heating system outreach. The department shall mail to property owners, with the first water bill sent each year, a notice describing the benefits of a solar water heating system, including the financial, tax, and environmental benefits of installing such system.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 427

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to the noise standard for commercial establishments**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that the noise code should provide the basis for the issuance of violations to entertainment establishments. However, increasingly the department has not relied upon the statutorily mandated noise levels as a basis for issuance of tickets. Instead the department has issued tickets based on the “unreasonable noise” provision of the administrative code, as determined by an inspector. While it is important to address excessive noise from entertainment establishments, entertainment establishments be given more precise notice of the standards to which they will be held.

Therefore, the Council finds that it is in the best interests of the City to prohibit use of the “unreasonable noise” standard as a basis for the issuance of summonses to entertainment establishments, including bars and restaurants.

§ 2. Subdivision b of section 24-218 of the administrative code of the city of New York is amended to read as follows:

(b) [Unreasonable] *For music originating from an interior space in connection with the operation of any commercial establishment or enterprise, unreasonable noise shall be defined as a sound that exceeds the prohibited noise levels set forth in this subdivision; and for all other sources of noise, unreasonable noise shall include but shall not be limited to sound, attributable to any device, that exceeds the [following] prohibited noise levels set forth in this subdivision:*

(1) Sound, other than impulsive sound, attributable to the source, measured at a level of 7 dB(A) or more above the ambient sound level at or after 10:00 p.m. and before 7:00 a.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

(2) Sound, other than impulsive sound, attributable to the source, measured at a level of 10 dB(A) or more above the ambient sound level at or after 7:00 a.m. and before 10:00 p.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

(3) Impulsive sound, attributable to the source, measured at a level of 15 dB(A) or more above the ambient sound level, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way. Impulsive sound levels shall be measured in the A-weighting network with the sound level meter set to fast response. The ambient sound level shall be taken in the A-weighting network with the sound level meter set to slow response.

§ 3. Section 24-244 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*(c) This section shall not apply to music originating from an interior space in connection with the operation of any commercial establishment or enterprise.*

§ 4. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 428

By Council Member Constantinides

**A Local Law to amend the administrative code of the city of New York, in relation to idling adjacent to a senior center**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (a) of section 24-163 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

(a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes, except as provided in subdivisions (f) and (h) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route.

§ 2. Section 24-163 of the administrative code of the city of New York is amended by adding a new subdivision (h) to read as follows:

*(h) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than one minute if such motor vehicle is adjacent, as determined by rule, to any senior center, as defined in section 21-201 of this code, while parking, as defined in section 129 of the vehicle and traffic law, standing as defined in section 145 of the vehicle and traffic law, or stopped as defined in section 147 of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device, and provided that idling of an engine of a vehicle used for the transport of senior citizens may be permitted to the extent necessary: (1) for mechanical work; (2) to maintain an appropriate temperature for passenger comfort; or (3) in emergency evacuations where necessary to operate wheelchair lifts. It shall be an affirmative defense that any such senior center was not easily identifiable as a senior center by signage or otherwise at the time a violation of this subdivision occurred.*

§ 3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Environmental Protection.

Int. No. 429

By Council Member Constantinides.

**A Local Law in relation to requiring the department of buildings to report on the efficacy of outdoor reset controls**

*Be it enacted by the Council as follows:*

Section 1. As used in this local law, the term “outdoor reset control” means a device that is capable of (i) monitoring the outside temperature with a sensor located on the exterior of a building, (ii) monitoring the internal building temperature using a sensor located at either the location furthest from the heat source in the building, or in the area of the building that is hardest to heat, and (iii) transmitting the temperature data to the heating plant to control the heat level in the building.

§ 2. By no later than December 31, 2019, the department of buildings shall prepare and file with the mayor and the council, and post on its website, a report analyzing whether outdoor reset controls improve energy efficiency, and, if so, the feasibility of requiring the installation of such controls in all residential buildings.

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 430

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to fees for the installation of solar power energy systems**

*Be it enacted by the Council as follows:*

Section 1. Article 112 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-112.2.1 to read as follows:

§ 28-112.2.1 *Fee exemption for solar installations. No fee shall be required in connection with an application for a street crane permit for the installation on a roof of solar thermal and solar electric (photovoltaic) collectors, panels and/or modules and their supporting equipment.*

§2. This local law takes effect 120 days after it becomes law and shall be applicable to any construction documents pending before the department of buildings on such effective date and the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 431

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of an energy efficiency program for multiple dwellings**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 15 to read as follows:

*ARTICLE 15*

*ENERGY EFFICIENCY PROGRAM FOR MULTIPLE DWELLINGS*

§ 27-2056.19 *Energy efficiency program for multiple dwellings.*

§ 27-2056.20 *Energy efficient measures taken after the issuance of a violation.*

§ 27-2056.21 *Eligible energy efficiency measures.*

§ 27-2056.19 *Energy efficiency program for multiple dwellings. a. For purposes of this chapter, the term “eligible violation” means (i) a violation which is set forth in rule by the department as eligible for the energy efficiency program for multiple dwellings and (ii) non-hazardous violations.*

*b. Notwithstanding any other provision of law, the commissioner shall develop an energy efficiency program for multiple dwellings. Such energy efficiency program shall allow an owner of a multiple dwelling who receives an eligible violation to have the civil penalties for such violations waived or reduced where such owner enters into a regulatory agreement with the commissioner, requiring such owner to undertake eligible energy efficiency measures. Such regulatory agreement shall specify that any eligible energy efficiency measures that an owner undertakes shall not be the basis for a rent increase. Civil penalties shall be reduced to an amount equal to the amount of money such owner spends to undertake such energy efficiency measures. Where an owner has received more than one eligible violation, such owner may couple the civil penalties for such violations in an amount not to exceed \$3,000 for the purposes of undertaking energy efficiency measures.*

§ 27-2056.20 *Eligible energy efficiency measures. The commissioner shall create a list of energy efficiency measures which owners may undertake as part of the energy efficiency program for multiple dwellings. Such energy efficiency measures shall include, but need not be limited to, the following:*

*(1) Energy efficient upgrades, including, building shell improvements, lighting upgrades, installing energy efficient appliances, installing programmable thermostats; and*

*(2) For multiple dwellings that do not exceed 25,000 gross square feet, benchmarking, undergoing energy audits, and undertaking retro-commissioning measures.*

*c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found to not be in compliance with such agreement shall have the original civil penalty or penalties reinstated or doubled.*

§ 2. This local law takes effect 180 days after it becomes law, except that the office or agency designated by the mayor may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 432

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to creating online applications for rooftop access variances**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

§ 15-132 *Online applications for rooftop variances. The department shall make all components of all applications for variances to the New York city fire code or New York city fire department rules related to rooftop access available for online submission.*

§ 2. This local law takes effect 6 months after it becomes law.

Referred to the Committee on Fire and Emergency Management.



## Int. No. 433

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to locking playgrounds in city parks**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-154 to read as follows:

*§ 18-154 Locking park playground gates after dark. The gates at all exclusive childrens playgrounds under the control of the department that are enclosed by a gated fence shall be locked in the evening when such playground is closed to the public, or by 9:00 p.m., whichever is earlier, and shall be unlocked no earlier than 5:45 a.m.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

## Int. No. 434

By Council Member Constantinides:

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation to plant 100,000 trees in environmental justice communities within five years**

*Be it enacted by the Council as follows:*

Section 1. Title 18 of the administrative code of the city of New York is amended by adding a new section 18-106.1 to read as follows:

*§ 18-106.1 Tree planting; prioritization of environmental justice communities. a. As used in this section, the following terms have the following meanings:*

*Environmental justice. The term “environmental justice” means the fair treatment and meaningful involvement of all persons, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies.*

*Low-income community. The term “low-income community” means a census block group, or a contiguous area comprising multiple census block groups, in which 23.59 percent or more of the population has an annual household income that is at or below the poverty level set by the United States department of health and human services.*

*Minority community. The term “minority community” means a census block group, or a contiguous area comprising multiple census block groups, in which 51.1 percent or more of the population is non-white or Hispanic.*

*Potential environmental justice community. The term “potential environmental justice community” means a minority or low-income community located within the city.*

*b. Within five years after the effective date of this local law, the commissioner shall plant 100,000 trees in potential environmental justice communities.*

*1. Within two years after the effective date of this local law, and again within four years after such date, the commissioner shall report to the mayor and the council on the department’s progress in complying with this section, including the number of trees planted to date and any common or recurring barriers to planting trees in such communities.*

2. *If the commissioner determines that it is not possible to meet the requirements of this section, the commissioner, within 90 days after the end of the five-year period prescribed in this section, shall report to the mayor and council the number of trees planted in potential environmental justice communities during the five-year period and the barriers that prevented the commissioner from complying with this section.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of parks and recreation may take such actions as are necessary for its implementation, including the promulgation of rules, before its effective date.

Referred to the Committee on Parks and Recreation.

Int. No. 435

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that all public waste receptacles be emptied by the department of sanitation at least once per day**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

§ 16-143 *Emptying public waste receptacles. Any basket, container or receptacle placed in a public place by the department or its authorized agent for the public disposal of litter shall be emptied by the department at least once per day, except on days when the department has suspended or delayed garbage or recycling collection.*

§ 2. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 436

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring an agency designated by the mayor to maintain a database of the occupancy and vacancy of all community facility spaces**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-119.1 to read as follows:

§ 3-119.1 *Database of community facility spaces. a. Definitions. For the purposes of this section, the term "community facility space" means any building or portion of a building designated for specified community facility uses pursuant to sections 12-10, 22-13, and 22-14 of the zoning resolution.*

*b. An agency designated by the mayor shall maintain a public online searchable database that shall include all community facility spaces within the city that are in existence as of the effective date of the local law that added this section and all locations within the city that are subsequently designated as community facility spaces. Locations that are subsequently no longer designated as community facility spaces shall be deleted from the database. Updates to such database shall be made within six months following any addition or change to the data in such database. Such database shall be posted on the city's website, shall have the ability to produce*

*reports by query, shall be published to the city's open data portal, and shall include, but not be limited to, the following information:*

- 1. The location of the community facility space, including the borough, community board district, block and lot number, and any commonly known name;*
- 2. A brief description of the type of community facility space;*
- 3. The name and address of any current occupants of the community facility space, or alternatively the status of vacancy; and*
- 4. Any other information deemed relevant by the agency designated by the mayor to maintain such database.*

*c. No later than one year after the local law that created this section takes effect, and annually thereafter, the department of information technology and telecommunications shall certify to the agency designated by the mayor to maintain the searchable database established pursuant to this section that such database is substantially complete online and in the open data portal with respect to the categories of information required by this section.*

§ 2. This local law takes effect 1 year after it becomes law, except that the agency designated by the mayor, as set forth in section one of this local law, and the department of information technology and telecommunications may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Technology.

Int. No. 437

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to the repair of street defects**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-160 to read as follows:

*§19-160 Repair of streets defects. The department shall ensure that any reported street defect including, but not limited to, potholes are repaired, corrected and/or fixed within five days from when such report is received by the department. This section shall not be construed as to limit the liability of any entities for the cost of such repair, correction and/or fixing required of such defects or from liability for any damages that result from such defects.*

§2. This local law takes effect 90 days after enactment.

Referred to the Committee on Transportation.

Int. No. 438

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing the painting of curb cuts**

*Be it enacted by the Council as follows:*

Section 1. Section 19-111 of title 19 of the administrative code of the city of New York is amended to read as follows:

§ 19-111 Curbs *and curb cuts*. *a.* All curbs for the support of sidewalks hereafter to be laid shall be of the material or materials, dimensions and construction required in department specifications for such work, which shall be prescribed by the commissioner and kept on file in his or her office.

*b.* *Notwithstanding any other law, rule, or regulation, it shall be lawful for a property owner to paint a curb cut that was authorized pursuant to a permit from the department. However, this section shall not be construed to allow the painting of any curb for the purpose of unlawfully reserving parking. For the purposes of this section the term "curb cut" shall mean break in a curb to allow access from the roadway and across the sidewalk to a legal parking space within the property line.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 439

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to expanding the availability of electric vehicle chargers**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-101.55 to read as follows:

§ 19-101.55. *Electric vehicle chargers. a. Definitions. For purposes of this section, the term "fast-charging or level-three electric vehicle charger" means electric vehicle charging equipment capable of providing an electric vehicle with a 75 percent charge in less than 60 minutes.*

*b. The department shall (i) install and maintain or (ii) enter into a contract with a third party to install and maintain at least 100 fast-charging or level-three electric vehicle chargers in each borough of the city accessible from existing on-street public parking spaces. The department shall begin installation of such electric vehicle chargers within one year of this law taking effect and shall complete installation within three years of this law taking effect.*

*c. The department shall (i) install and maintain or (ii) enter into a contract with a third party to install and maintain fast-charging or level-three electric vehicle chargers accessible from at least one out of every 10 on-street public parking spaces created after June 1, 2018.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 440

By Council Member Constantinides

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a study and pilot of solar-powered street lamps**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-160 to read as follows:

*§ 19-160 Solar-powered street lamp feasibility study and pilot. a. The department shall conduct and complete a study of the feasibility of powering street lamps with solar energy. As part of such study, the department shall assess the range of options for solar energy capture and storage for street lamps maintained by the department, the technical feasibility of such options and all anticipated costs. The department shall post on its web site and submit to the mayor and the council a report on the results of the study no later than April 1, 2019.*

*b. If the department deems one or more options for solar-powered street lamps feasible, the department shall undertake a one-year pilot program to implement such option or options in one or more locations.*

*c. If the department undertakes a pilot program pursuant to subdivision b, no later than April 1, 2020, the department shall post on its web site and submit to the mayor and the council a report on the results of the pilot.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Res. No. 137

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.1508/S.1891, to create a property tax abatement for homeowners and a water and sewer charge abatement for not-for-profit entities that install a sewer line check valve.**

By Council Member Constantinides.

**Whereas**, According to the New York City Department of Environmental Protection (“DEP”), under heavy rain conditions where the flow in the sewer rises and meets or exceeds the sewer’s capacity, basement plumbing fixtures such as toilets, sinks, and drains are vulnerable to sewer backups; and

**Whereas**, When the City’s sewers back up into residential homes it can cause thousands of dollars’ worth of damage; and

**Whereas**, The installation of a sewer line check valve could prevent sewer water back up; and

**Whereas**, When sewer water rises to the level of basement plumbing, the sewer line check valve closes and prevents entry of the sewer water through the plumbing into the home; and

**Whereas**, DEP encourages the use of these check valves to prevent sewage backup; and

**Whereas**, The New York State Assembly introduced Assembly bill A.1508 and the New York State Senate introduced Senate Bill S.1891, which would be called the “Sewage Flooding Prevention Act”; and

**Whereas**, The legislation would provide any homeowner who installs a sewer line check valve in his or her home with a property tax credit equal to half the value of purchasing and installing the check valve, up to two thousand dollars; and

**Whereas**, The legislation would provide any not-for-profit entity that owns a building or a dwelling and installs a sewer line check valve in that building or dwelling with an abatement of its water and sewer charges equal to half the value of purchasing and installing the check valve, up to two thousand dollars; and

**Whereas**, According to the State Legislature’s Memorandum in Support of A.1508 and S.1891, the sewer line check valve is an expensive device which makes it difficult or unattainable for many homeowners and not-for-profit entities to install; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.1508/S.1891, to create a property tax abatement for homeowners and a water and sewer charge abatement for not-for-profit entities that install a sewer line check valve.

Referred to the Committee on Finance.

## Res. No. 138

**Resolution calling upon the New York State legislature to pass and the Governor to enact A.2658 regarding the repeal of reimbursement tax credits to low-wage employers who pay minimum wages to students ages 16 to 19.**

By Council Member Constantinides.

**Whereas**, Pursuant to Part EE of Chapter 59 of the New York State laws of 2013, employers who hire youths between the ages of 16 and 19, and pay said youths the state minimum wage, receive a reimbursement tax credit; and

**Whereas**, The reimbursement tax credit outlined in Part EE of Chapter 59 of the New York State laws of 2013 effectively incentivizes employers to hire low paid students over more experienced and better-compensated older individuals; and

**Whereas**, The repeal of said reimbursement tax credit would encourage employers to hire more experienced older individuals, and would result in a savings of approximately \$24 million for New York State in fiscal year 2015-2016; and

**Whereas**, On January 9, 2014, the New York State Assembly introduced and referred A.2658 by Assembly Member Aravella Simotas, which would repeal the reimbursement tax credit outlined in Part EE of Chapter 59 of the New York State laws of 2013, to the Assembly Committee on Ways and Means; and

**Resolved**, That the Council of the City of New York calls upon the New York State legislature to pass and the Governor to enact A.2685, regarding the repeal of reimbursement tax credits to low-wage employers who pay minimum wages to students ages 16 to 19.

Referred to the Committee on Finance.

## Res. No. 139

**Resolution calling upon the United States Congress to pass H.J. Res 64, an amendment to the Constitution of the United States, which would allow Congress and individual states to regulate campaign finance and political spending, and to pass legislation restoring aggregate contribution limits and third party spending limits.**

By Council Member Constantinides.

**Whereas**, In 2014 the United States Supreme Court issued a decision in *McCutcheon v. Federal Election Commission*, holding that aggregate limits on individual contributions to national party and federal candidate committees are unconstitutional; and

**Whereas**, This follows a Supreme Court decision in 2010 in *Citizens United v. Federal Election Commission*, which held that corporations and other groups may engage in unlimited independent spending on elections; and

**Whereas**, These Supreme Court decisions hinder electoral competition and increase the risk of corruption by allowing wealthy individuals and corporations to spend large amounts to fund political campaigns and ensure that policy matters are disproportionately decided in their favor rather than what is best for the common good; and

**Whereas**, United States Representative Kurt Schrader has introduced a constitutional amendment in the United States House of Representatives that would authorize Congress to regulate fundraising and spending by federal political campaigns and independent groups, and would allow states to regulate campaign finance in state and local elections;

**Whereas**, Once the United States Constitution is amended to allow Congress and states to regulate campaign finance, Congress should immediately restore the laws that were made null by the McCutcheon and Citizens United decisions; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass H.J. Res 64, an amendment to the Constitution of the United States , which would allow Congress and individual states to regulate campaign finance and political spending, and to pass legislation restoring aggregate contribution limits and third party spending limits.

Referred to the Committee on Governmental Operations.

Res. No. 140

**Resolution calling on the United States Citizenship and Immigration Services to amend its Model Plan for Administrative Naturalization Ceremonies to allow guest speakers to make remarks on the importance of becoming an organ donor.**

By Council Member Constantinides.

**Whereas**, According to Donate Life America, New York State has the third highest need for organ donors in the United States; and

**Whereas**, There are over 10,000 individuals in New York who need life-saving organ transplants; and

**Whereas**, In 2013, almost 600 individuals in New York died due to a shortage of donors; and

**Whereas**, Despite the great need for organ transplants in New York, the state has the second lowest percentage of registered donors in the country; and

**Whereas**, New York State is unique in that it allows individuals to sign up to be organ donors when registering to vote; and

**Whereas**, Naturalization ceremonies present an opportunity for new citizens to both register to vote and become organ donors simultaneously; and

**Whereas**, New York City can specifically benefit from this opportunity: U.S. Citizenship and Immigration Services notes that of the 752,800 citizens naturalized in 2016, approximately 16.3% reside in the Greater New York Metropolitan area; and

**Whereas**, In certain counties in New York, including Rockland, Orange, Dutchess and Putnam, guest speakers at naturalization ceremonies are allowed to make remarks on the importance of becoming an organ donor; and

**Whereas**, Anecdotal evidence gathered by donor network LiveOnNY suggests that approximately 45% of naturalization ceremony participants who receive organ donation information enroll to be donors, compared to 11% of individuals who enroll at Department of Motor Vehicles offices; and

**Whereas**, While the naturalization ceremonies of these counties are overseen either by District Attorneys or County Clerks, naturalization ceremonies in New York City are overseen by the United States Citizenship and Immigration Services (USCIS); and

**Whereas**, USCIS has established in its Model Plan for Administrative Naturalization Ceremonies the topics that may be discussed by guest speakers at naturalization ceremonies, such as the importance and responsibilities of United States citizenship and the privilege of voting; and

**Whereas**, If USCIS expanded the policy in its Model Plan for Administrative Naturalization Ceremonies to allow guest speakers to make remarks on organ donation, the number of individuals in New York City registering to be donors could greatly increase, given the large number of individuals naturalized in this City annually; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Citizenship and Immigration Services to amend its Model Plan for Administrative Naturalization Ceremonies to allow guest speakers to make remarks on the importance of becoming an organ donor.

Referred to the Committee on Immigration.

Res. No. 141

**Resolution to amend the Rules of the Council in relation to the availability of local laws for review by Council Members**

By Council Member Constantinides.

6.70. Local Laws Available to Council Members – Council Members shall receive an e-mailed copy, to their official Council e-mail address and any others they designate, of a local law in its final form at least seven days, exclusive of Sundays, prior to its final passage, except that local laws for which the Mayor certifies as to the necessity of its immediate passage need not be e-mailed to Council Members prior to passage. Any Council Member may request that local laws be physically laid upon his or her desk within the same time period, but Council Members will not otherwise receive physical copies of local laws on their desks prior to the day on which such local law is on the stated meeting agenda. This rule shall not operate to invalidate the passage of any local law for which the procedures of section 36 of the New York City Charter are followed.

Referred to the Committee on Rules, Privileges and Elections.

Int. No. 441

By Council Member Cumbo.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a fair hiring practices task force**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended to add a new section 3-124 to read as follows:

*§3-124 Fair hiring practices task force.*

*a. There is hereby established a fair hiring practices task force, which shall consist of ten members, none of whom may be employed by the city of New York, as follows: three members shall be appointed by the mayor, three members shall be appointed by the speaker of the council, and four members shall appointed jointly by the speaker of the council and the mayor.*

*b. Membership on the task force shall not constitute the holding of a public office, and members of the task force shall not be required to take and file oaths of office before serving on the task force. Members of the task force shall serve without compensation.*

*c. The task force shall meet at least four times per year. At its first meeting, the task force shall select a chairperson from among its members by majority vote of the task force.*

*d. The task force may establish its own rules and procedures with respect to the conduct of its meetings and other affairs not inconsistent with law.*

*e. Each member shall serve for a term of 24 months, to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.*

*f. No member of the task force shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.*

*g. The task force may request and shall receive all possible cooperation from any department, division, board, bureau, commission, borough president, agency or public authority of the city of New York, for*



*assistance, information, and data as will enable the task force to properly carry out its functions.*

*h. The task force shall issue a report to the mayor and council no later than twelve months after the final member of the task force is appointed. Such report shall include the following:*

- 1. An analysis of whether physical tests employed by city agencies, offices, departments, or other governmental entities in hiring, including any physical tests given to city employees hired on a probationary or conditional basis, create a discriminatory impact on the basis of gender, race, or any other improper ground;*
- 2. Recommendation for changes to any improper hiring practices;*
- 3. Strategies for ensuring city agencies, offices, departments, and other governmental entities employees reflect the city's diversity regarding race, gender, ethnicity, and related criteria; and*
- 4. Any other recommendations regarding fair hiring practices by city agencies, offices, departments, or other governmental entities.*

*i. The task force shall terminate upon the publication of the report.*

*§2. This local law takes effect immediately.*

Referred to the Committee on Governmental Operations.

Int. No. 442

By Council Member Cumbo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring landlords to provide tenants with documentation of damages when deducting money from a tenant's security deposit**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

**CHAPTER 12  
RETURN OF SECURITY DEPOSIT**

*§ 26-1203 Definitions. As used in this chapter, the following terms have the following meanings:*

*End date. The term "end date" means the earliest of the following:*

- 1. The expiration date of a rental agreement without renewal and without the initiation of a tenancy at will, a tenancy by sufferance, a monthly tenancy or a month to month tenancy pursuant to article 7 of the real property law;*
- 2. The date on which a tenant lawfully surrenders a premises or terminates a lease pursuant to article 7 of the real property law; or*
- 3. The date on which a landlord may lawfully reenter a premises after terminating a rental agreement, a tenancy at will, a tenancy by sufferance, a monthly tenancy or a month to month tenancy pursuant to article 7 of the real property law.*

*Landlord. The term "landlord" means an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of a premises or an agent of any of the foregoing.*

*Repairs. The term "repairs" means repairs or cleaning to address damage to a premises that the landlord did not cause and that did not result from the tenant's reasonable use of the premises.*

*Security deposit. The term "security deposit" means money, whether cash or otherwise, paid to a landlord to be held for all or part of the term of a tenancy to secure performance of any obligation of the tenant under the rental agreement.*

*Tenant. The term "tenant" means a person paying or required to pay rent for a premises as a lessee, sublessee, licensee or concessionaire.*

*§ 26-1204 Documentation required when part or all of security deposit is withheld. a. No later than 21 calendar days after the end date of a residential or commercial tenancy, the landlord shall provide the tenant,*

by personal delivery, first-class mail or electronic mail, with a copy of an itemized statement describing the amount of any security deposit received from the tenant by the landlord as a condition of the tenancy, as well as any amount the landlord has deducted or intends to deduct from the security deposit for repairs or for any other purpose permitted by both the rental agreement and applicable law.

b. Along with the itemized statement required by subdivision a of this section, the landlord shall include copies of documents showing charges deducted or intended to be deducted by the landlord from the security deposit, as follows:

1. (a) If the landlord has deducted or intends to deduct from the security deposit for the cost of repairs to the premises performed by the landlord or the landlord's employee, agent or affiliated management company, the landlord shall provide a reasonably complete description of the work performed, the time spent, the reasonable hourly rate charged and the total cost of the work to be deducted from the security deposit.

(b) If a person other than the landlord or the landlord's employee, agent or affiliated management company performed the repairs to be deducted from the security deposit, the landlord shall provide the tenant with a copy of the bill, invoice or receipt supplied by such person. The itemized statement required by subdivision a of this section shall provide the tenant with the name, address and telephone number of the person performing the repairs if the bill, invoice, or receipt does not include that information.

2. If the landlord has deducted or intends to deduct from the security deposit the cost of materials, the landlord shall provide a copy of the bill, invoice or receipt for such materials. If a particular material is purchased by the landlord on an ongoing basis, the landlord may provide a copy of a bill, invoice, receipt, vendor price list or other vendor document that reasonably documents the cost of the item used in the repairs of the premises.

c. If repairs cannot reasonably be completed within 21 calendar days after the end date of a residential or commercial tenancy, or if the documents from a person or entity providing services or materials are not in the landlord's possession within 21 calendar days after the end date of such a tenancy despite the landlord's best efforts, the landlord may deduct the amount of a reasonable estimate of the charges that will be incurred and provide such estimate to the tenant along with the itemized statement required by subdivision a of this section. If a bill, invoice or receipt from a person providing services or materials is not in the landlord's possession 21 calendar days after the end date of such a tenancy, the itemized statement required by subdivision a of this section shall include the name, address and telephone number of the person or entity providing such services or materials. Within 14 calendar days of completing the repairs or receiving the documentation, the landlord shall complete the requirements of subdivision b of this section.

§ 26-1205 Damages for noncompliance; attorney's fees. Upon finding a violation of section 26-1204 in any action brought before a court of competent jurisdiction, the court may award damages to the tenant in the amount of one half of the security deposit, in addition to reasonable attorney's fees and other costs.

§ 26-1206 Outreach and education. The department shall conduct outreach and education efforts to inform landlords and tenants about the requirements of this chapter.

§ 2. Paragraph 1 of subdivision b of section 26-1102 of the administrative code, as added by local law number 45 for the year 2014, is amended to read as follows:

(1) owners' responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, *security deposits*, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

§ 3. Paragraph 1 of subdivision c of section 26-1103 of the administrative code, as added by local law number 45 for the year 2014, is amended to read as follows:

(1) owners' responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, *security deposits*, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 443

By Council Member Cumbo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring landlords to conduct rental inspections on residential properties every three years and to annually certify that they are in compliance with the city Housing Maintenance Code**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2005 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

*g. The owner of a dwelling required to register the dwelling under subdivision b of section 27-2097 shall inspect such dwelling every three years to ensure compliance with all provisions of the housing maintenance code. The inspection shall be conducted by a home inspector as defined in section 444-b of the real property law. The department shall create and make available on its website a checklist to be used for inspections. Documentation of proof of inspection shall be filed with, and in a manner to be prescribed by, the department.*

§ 2. Subdivision a of section 27-2098 of the administrative code of the city of New York is amended by adding a new paragraph (7) to read as follows:

*(7) A certification by the owner, by an officer if the owner is a corporation or by a managing agent designated by the owner to be in control of and responsible for the maintenance and operation of such dwelling that the dwelling is in compliance with all provisions of subchapter 2 of the housing maintenance code.*

§ 3. This local law takes effect one year after it becomes law; provided, however, that the commissioner of housing preservation and development shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 444

By Council Member Cumbo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring all NYPD officers to receive sensitivity training to assist them in responding to victims of gender-based street harassment and sexual assault**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-170 to read as follows:

*§14-170 Gender-based street harassment and sexual assault survivor sensitivity training. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Gender-based street harassment. The term “gender-based street harassment” means harassment or any other such offense, as defined under article 240 of the New York penal law, directed at the victim because of their actual or perceived sex, gender, gender expression, or sexual orientation.*

*Sexual assault. The term “sexual assault” means rape, criminal sexual acts, misdemeanor sex offenses, sexual abuse, course of sexual conduct against a child, predatory sexual assault, or any other such offense, as defined under article 130 of the New York penal law.*

*Survivor. The term “survivor” means any person who has been the victim of gender-based street harassment or sexual assault.*

*b. Training. 1. New recruits. The New York city police department shall conduct sensitivity training to assist officers in responding to survivors of gender-based street harassment and sexual assault as part of their academy training. The training shall be sensitive to cultural differences, gender, gender expression, and sexual orientation.*

*2. Ongoing training. All police officers shall receive up-to-date training, on a biennial basis, to assist them in responding to survivors of gender-based street harassment and sexual assault.*

§2. This local law shall take effect 90 days after it becomes law, except that the department may promulgate any rules and regulations necessary to implement section one of this local law on or before its effective date.

Referred to the Committee on Public Safety.

Int. No. 445

By Council Members Deutsch, Cumbo, Levin, Eugene, Constantinides, Espinal, Lancman, Holden, Grodenchik, Treyger, Koslowitz, Salamanca, Maisel, Van Bramer, Reynoso, Cabrera and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the suspension of alternate side of the street parking rules on blocks adjacent to filming**

*Be it enacted by the Council as follows:*

Section 1. Subchapter two of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.3 to read as follows:

*§ 19-163.3 Suspension of parking regulations for filming. a. The issuance of a permit by the mayor's office of film theatre and broadcasting or successor entity that authorizes filming and/or related activity shall result in suspension of alternate side of the street parking rules for the duration of such permit on all blocks adjacent to and any portion of which is within two hundred feet of the location of the filming and/or related activity, and where such filming and/or related activity results in a loss of alternate side parking spaces or spaces where there are no restrictions.*

*b. In accordance with subdivision c of section 19-175.2 of this subchapter, the party to whom a permit is issued by such mayor's office shall immediately post notice of the parking rule suspensions in the blocks where parking rules are suspended in accordance with subdivision a of this section. The specific content of such notice shall be approved by the commissioner.*

§ 2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 446

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to rescinding a waiver to the right to file a claim under the human rights law**

*Be it enacted by the Council as follows:*

Section 1. Chapter five of title eight of the administrative code of the city of New York, is amended by adding a new section 8-503 to read as follows:

*8-503. Waiver of claims under this title. a. An employee may not waive any right or claim under this title unless the waiver is knowing and voluntary. A waiver may not be considered as knowing and voluntary unless (i) the waiver is part of an agreement between the individual and the employer that is written in a manner calculated to be understood by such individual, or by the average individual eligible to participate; (ii) the*

*waiver specifically refers to rights or claims arising under this title; (iii) the individual does not waive rights or claims that may arise after the date the waiver is executed; (iv) the individual waives rights or claims only in exchange for consideration in addition to anything of value to which the individual already is entitled; (v) the individual is advised in writing to consult with an attorney prior to executing the agreement; (vi)(a) the individual is given a period of at least 21 days within which to consider the agreement; or (b) if a waiver is requested in connection with an exit incentive or other employment termination program offered to a group or class of employees, the individual is given a period of at least 45 days within which to consider the agreement; (vii) the agreement provides that for a period of at least 7 days following the execution of such agreement, the individual may revoke the agreement, and the agreement shall not become effective or enforceable until the revocation period has expired; and (viii) if a waiver is requested in connection with an exit incentive or other employment termination program offered to a group or class of employees, the employer (at the commencement of the period specified in paragraph (vi)) informs the individual in writing in a manner calculated to be understood by the average individual eligible to participate, as to (a) any class, unit, or group of individuals covered by such program, any eligibility factors for such program, and any time limits applicable to such program; and (b) the job titles and ages of all individuals eligible or selected for the program, and the ages of all individuals in the same job classification or organizational unit who are not eligible or selected for the program.*

*b. A waiver in settlement of a charge filed with the Equal Employment Opportunity Commission, or an action filed in court by the individual or the individual's representative, alleging discrimination of a kind prohibited under this title may not be considered knowing and voluntary unless at a minimum (i) paragraphs (i) through (v) of subdivision a have been met; and (ii) the individual is given a reasonable period of time within which to consider the settlement agreement.*

*c. In any dispute that may arise over whether any of the requirements, conditions, and circumstances set forth in paragraphs (i) through (viii) of subdivision a, or paragraph (i) or (ii) of subdivision b, have been met, the party asserting the validity of a waiver shall have the burden of proving in a court of competent jurisdiction that a waiver was knowing and voluntary pursuant to subdivision a or b.*

*d. No waiver agreement may affect the commission's rights and responsibilities to enforce this title. No waiver may be used to justify interfering with the protected right of an employee to file a claim or participate in an investigation or proceeding conducted by the commission.*

§2. This local law takes effect 120 days after enactment into law.

Referred to the Committee on Civil and Human Rights.

Int. No. 447

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on the rate of lockdowns**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-154 to read as follows:

*§ 9-154 Lockdown report. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Departmental lockdown. The term "departmental lockdown" means any period of time during which inmates are not permitted to move within any departmental facility.*

*Facility lockdown. The term "facility lockdown" means any period of time during which inmates are not permitted to move within a departmental facility.*

*b. 45 days after the quarter beginning January 1, 2019, and no later than the 45th day after the end of each subsequent quarter, the department shall post on its website a report containing the following information for the preceding quarter:*

- 1. the number of departmental lockdowns, in total and disaggregated by the reason for such lockdown, as determined by the department;*
- 2. the number of facility lockdowns, in total and disaggregated by the reason for such lockdown, as determined by the department; and*
- 3. the number of facility lockdowns disaggregated by facility, in total and disaggregated by the reason for such lockdown, as determined by the department.*

*c. 45 days after January 1, 2019, and no later than the 45th day after the end of each subsequent year, the department shall post on its website a report containing the information from paragraphs 1 through 3 of subdivision b of this section for the preceding year.*

*d. The information required by subdivisions b and c of this section shall be compared to the previous 4 reporting periods, and shall be stored permanently and shall be accessible from the department's website.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 448

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the department of correction to post a monthly report on detainees on the department's website**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-154 to read as follows:

*§ 9-154 Detainee report. The commissioner shall post a report, by the first date of each month, on the department's website, which shall include the following information based on the average daily population of the city's jails for the preceding month:*

- a. The number of inmates in the department's custody that had not been sentenced.*
- b. The number of inmates in the department's custody 18 years of age or older who had been incarcerated for more than six months and had not been sentenced.*
- c. The number of inmates under 18 years of age who have been incarcerated for more than one month and had not been sentenced.*

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Criminal Justice.

Int. No. 449

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post subdistrict maps online**

*Be it enacted by the Council as follows:*

Section 1. Title 21-a of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

*Chapter 21. Posting of Subdistrict Maps*

§ 21-988 *Posting of subdistrict maps. a. Definitions. For the purposes of this section, the term “subdistrict” means a geographic boundary used by the department and the New York city school construction authority to identify where new capital funding will be targeted for building new schools.*

*b. The department shall, in consultation with the New York city school construction authority, post conspicuously on its website maps that indicate the boundaries of all subdistricts in the city school district of the city of New York.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 450

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding students in grades three through eight receiving academic intervention services**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

*Chapter 21. Reporting on Academic Intervention Services*

§ 21-988 *Reporting on academic intervention services.*

*a. Definitions. For the purposes of this section only, the following terms shall have the following meanings: Academic intervention services. The term “academic intervention services” has the meaning set forth in section 100.1(g) of chapter II of title 8 of the New York codes, rules and regulations.*

*Proficient score. The term “proficient score” means a scale score of level three on a grade three through eight English language arts or mathematics State assessment.*

*Student. The term “student” means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in grades three through eight in a school of the city school district of the city of New York.*

*Threshold scale score. The term “threshold scale score” means the score established by the New York state department of education pursuant to section 100.2(ee) of chapter II of title 8 of the New York codes, rules and regulations.*

*b. Not later than November 1, 2017, and annually thereafter on or before November 1, the department shall submit to the speaker of the council and post conspicuously on the department’s website a report that shall include but not be limited to the following:*

*1. A description of the department’s policy for determining eligibility for academic intervention services as required by section 100.2(ee) of chapter II of title 8 of the New York codes, rules and regulations;*

*2. The number and percentage of students who were determined by the department to be eligible for academic intervention services at the end of the prior academic year who enrolled in summer school;*

*3. The number and percentage of students who were determined by the department to be eligible for academic intervention services at the end of the prior academic year who received academic intervention services over the summer, disaggregated by the type of academic intervention services received, including but not limited to (i) mathematics instruction; (ii) reading instruction; (iii) guidance counseling and (iv) study skills;*

4. *The number and percentage of students who were determined by the department to be eligible for academic intervention services at the end of the prior academic year who are receiving academic intervention services in the current academic year, disaggregated by the type of academic intervention services received, including but not limited to (i) mathematics instruction; (ii) reading instruction; (iii) guidance counseling and (iv) study skills;*

5. *The number and percentage of students who scored at or below the threshold scale score on mathematics or English language arts state assessments at the end of the prior academic year who enrolled in summer school, disaggregated by the subject in which students scored below the threshold scale score;*

6. *The number and percentage of students who scored at or below the threshold scale score on mathematics or English language arts state assessments at the end of the prior academic year who received academic intervention services over the summer, disaggregated by the subject in which students scored at or below the threshold scale score, and further disaggregated by the type of academic intervention services received, including but not limited to (i) mathematics instruction; (ii) reading instruction; (iii) guidance counseling and (iv) study skills.*

7. *The number and percentage of students who scored at or below the threshold scale score on mathematics or English language arts at the end of the prior academic year and who did not receive academic intervention services over the summer, who are receiving academic intervention services in the current academic year, disaggregated by the subject in which students scored at or below the threshold scale score, and further disaggregated by the type of academic intervention services received, including but not limited to (i) mathematics instruction; (ii) reading instruction; (iii) guidance counseling and (iv) study skills.*

8. *The number and percentage of students who scored below a proficient score on mathematics or English language arts state assessments at the end of the prior academic year who enrolled in summer school, disaggregated by the subject in which students scored below a proficient score;*

9. *The number and percentage of students who scored below a proficient score on mathematics or English language arts state assessments at the end of the prior academic year who received academic intervention services over the summer, disaggregated by the subject in which students scored below a proficient score, and further disaggregated by the type of academic intervention services received, including but not limited to (i) mathematics instruction; (ii) reading instruction; (iii) guidance counseling and (iv) study skills.*

10. *The number and percentage of students who scored below a proficient score on mathematics or English language arts at the end of the prior academic year and who did not receive academic intervention services over the summer, who are receiving academic intervention services in the current academic year, disaggregated by the subject in which students scored below a proficient score, and further disaggregated by the type of academic intervention services received, including but not limited to (i) mathematics instruction; (ii) reading instruction; (iii) guidance counseling and (iv) study skills.*

*c. The data required to be reported pursuant to paragraphs two through ten of subdivision b of this section shall be further disaggregated by (i) race and ethnicity; (ii) gender; (iii) special education status; (iv) English language learner status; (v) eligibility for the free and reduced price lunch program; (vi) community school district; (vii) council district and (viii) grade level.*

*d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.



## Int. No. 451

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation and distribution of a school bus bill of rights**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 2 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-209.3 to read as follows:

§ 3-209.3 *School bus bill of rights. a. Definitions. As used in this section, the following terms have the following meanings:*

*Department. The term "department" means the department of education.*

*School. The term "school" means any public school in the city of New York under the jurisdiction of the department of education that contains any combination of grades from and including kindergarten through grade twelve.*

*School bus. The term "school bus" means any vehicle of the designation "Type A bus," "Type B bus," "Type C bus," or "Type D bus," as set forth in subdivisions x, y, z, and aa of section 720.1 of title 17 of New York codes, rules and regulations.*

*b. The department shall develop, and update annually thereafter, written materials containing plain language information regarding the rights and responsibilities of pupils using school bus service. At a minimum the materials shall include:*

*1. Information for pupils using general pupil transportation services, and*

*2. Information for pupils using special education pupil transportation services.*

*c. Such materials shall be produced and distributed by the department to each school for distribution, annually, to every pupil who uses school bus service, and such materials shall be made available in English and in additional languages as determined by the department.*

*d. The department shall ensure that such written materials are available in the main or central office in each school and that such materials are available on the department's website for pupils and parents who wish to obtain such materials.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Education.

## Int. No. 452

By Council Member Dromm

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding alternate learning centers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 6 of title 21-a of the administrative code of the city of New York is amended by adding a new section 21-959.1 to read as follows:

§ 21-959.1 *Annual report on alternate learning centers. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Alternate learning center. The term "alternate learning center" means a school administered under the authority of the department providing instructional programs for students in grades 6 through 12 who are on superintendent's suspension.*

*PBIS de-escalation. The term “PBIS de-escalation” means positive behavior interventions and supports employed for the purpose of supporting student’s social, emotional and academic success.*

*Restorative justice. The term “restorative justice” means an approach to discipline that focuses on repairing harm with an emphasis on learning and community involvement.*

*Superintendent’s suspension. The term “superintendent’s suspension” means any period of student suspension that exceeds five days during which time the student attends an alternate learning center.*

*b. Annual reporting. By November 1 of each year, the department shall submit to the council and post on its website a report containing the following data for each alternate learning center, with such data calculated as of the end of the immediately preceding school year:*

- 1. The total number of students who attended the center;*
- 2. The number and percentage of total students who attended the center two or more times;*
- 3. The number of teachers trained in restorative justice and PBIS de-escalation techniques, respectively;*
- 4. The number and percentage of total students who have attended a center for:*
  - (i) Up to 30 days;*
  - (ii) Between 31 and 60 days;*
  - (iii) Between 61 and 90 days; and*
  - (iv) 91 or more days;*
- 5. The average ratio of teachers to students;*
- 6. The average number of credits accumulated per student;*
- 7. For students with an IEP:*
  - (i) The number and percentage of total students; and*
  - (ii) The number and percentage of students with an IEP whose behavior was a manifestation of their disability and resulted in a suspension;*
- 8. The number and percentage of total students who were involved in any court proceedings;*
- 9. The number and percentage of total students who were on probation;*
- 10. The number and percentage of total students who were discharged to, or previously spent time in the custody of, the department of corrections or administration for children’s services limited secure or non-secure detention.*
- 11. The number and percentage of total students who had a hearing before the issuance of a superintendent’s suspension;*
- 12. The types of offenses for which students received a superintendent’s suspension; and*
- 13. Whether protocols were followed for transition back to the school from which a student was suspended.*

*c. Demographic information. The data provided pursuant to paragraphs 1 and 2 of subdivision b of this section shall be disaggregated by:*

- 1. Grade level;*
- 2. Race or ethnicity;*
- 3. Gender; and*
- 4. For students who are English language learners, primary home language.*

*d. Privacy of student information. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 0 and 9 students, or allows another category to be narrowed to between 0 and 9 students, the number shall be replaced with a symbol.*

*§ 2. This local law takes effect 45 days after it becomes law.*

Referred to the Committee on Education.

## Int. No. 453

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to distributing IDNYC applications to all high school students**

*Be it enacted by the Council as follows,*

Section 1. The administrative code of the city of New York is amended by adding a new section 3-209.3 to read as follows:

§ 3-209.3 *Distribution of IDNYC municipal identification program materials. (a) Definitions. As used in this section, the following terms have the following meanings:*

*Department. The term “department” means the department of education.*

*IDNYC. The term “IDNYC” means the New York city identity card established pursuant to section 3-115 of subchapter 1 of chapter 1 of title 3 of this code.*

*School. The term “school” means any public school in the city of New York under the jurisdiction of the department of education that contains any combination of grades from and including grade nine through grade twelve.*

*b. Within each school, the department shall distribute information related to the IDNYC program to every student at the start of each school year. At a minimum, such materials shall include the IDNYC application form and information on: (i) eligibility requirements; and (ii) the application process, including but not limited to a list of documents accepted to prove identity and residency.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Education.

## Int. No. 454

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to the sale and use of gas-powered leaf blowers**

*Be it enacted by the Council as follows:*

Section 1. Section 24-242 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

§ 24-242 *Lawn Care Devices. (a) No person shall operate, [or] use, or cause to be operated or used, any lawn care device:*

(1) On weekdays before eight a.m. and after seven p.m. or sunset, whichever occurs later; or

(2) On weekends and New York state and federal holidays before nine a.m. and after six p.m., *except that no gas-powered leaf blower shall be used before noon on these days; or*

(3) At any time in such a way as to create an unreasonable noise. For the purposes of this section unreasonable noise shall include but shall not be limited to an aggregate sound level of 65 [db(A)] dB(A) or more for all non-gas-powered leaf blower lawn care devices, and an aggregate sound level exceeding 65 dB(A) for gas-powered leaf blowers, attributable to the source or sources, as measured at any point within a receiving property. The provisions of paragraph (1) of this subdivision shall not apply to an employee of the department of parks and recreation or an agent or contractor of the department of parks and recreation who operates or uses or causes to be operated or used any lawn care device between the hours of seven a.m. and eight a.m. in any location more than three hundred feet from any building that is lawfully occupied for residential use. The distance of three hundred feet shall be measured in a straight line from the point on the exterior wall of such building

nearest to any point in the location at which such lawn care device is operated or used or caused to be operated or used.

(b) No person shall operate, [or] use, or cause to be operated or used, any *gas-powered* leaf blower [not equipped with a functioning muffler] *between or on the dates of May 15 and September 15 of any calendar year.*

(c) *No person shall operate, use, or cause to be operated or used, a gas-powered leaf blower rated to produce a maximum sound level in excess of 65 dB(A) as determined in accordance with the most current version of American national standards institute (ANSI) B175.2-2000.*

§ 2. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

*SUBCHAPTER 13  
Gas-Powered Leaf Blowers*

*§ 20-699.7 Prohibited gas-powered leaf blower sales. It shall be unlawful for any person to distribute, sell or offer for sale any gas-powered leaf blower rated to produce a maximum sound level in excess of 65 dB(A) measured 50 feet from the source as determined in accordance with the most current version of American national standards institute (ANSI) B175.2-2000.*

*§ 20-699.8 Penalty. Any person who violates any provision of this subchapter shall be subject to a civil penalty of not more than \$200, except where such person has previously been found to have violated any provision of this subchapter in the previous 24 months, in which case the person shall be subject to a civil penalty of not less than \$200 nor more than \$1000.*

§ 3. This local law takes effect 1 year after it becomes law.

Referred to the Committee on Environmental Protection.

Int. No. 455

By Council Members Dromm, Espinal and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to age limitations on school buses and replacing such school buses with all electric school buses**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (1) of subdivision d of section 24-163.9 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

(1) No diesel fuel-powered school bus of the designation "Type A bus" or "Type B bus," as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with an engine model year of 2007 or later or that is utilizing a closed crankcase ventilation system pursuant to subdivision c of this section and no diesel fuel-powered school bus of the designation "Type C bus" or "Type D bus," as set forth in subdivisions z and aa of section 720.1 of title seventeen of New York codes, rules and regulations, shall be used to fulfill any school bus contract beyond the end of the [sixteenth] *tenth* year from the date of manufacture, as noted on the vehicle registration, or the end of the school year in which that date falls, whichever is later.

§ 2. Subdivision d of section 24-163.9 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended by adding a new paragraph (3) to read as follows:

*(3) Except for any all-electric zero emission school bus, no non-diesel fuel-powered school bus shall be used to fulfill any school bus contract beyond the end of the tenth year from the date of manufacture, as noted on the vehicle registration, or the end of the school year in which that date falls, whichever is later.*

§ 3. Subdivision e of section 24-163.9 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

e. School buses shall be replaced pursuant to subdivision d of this section with (1) a school bus meeting the most recent diesel engine emissions standards issued by the United States environmental protection agency, or (2) an all-electric, gasoline-powered, compressed natural gas, or hybrid school bus, as long as the particulate

matter emissions of such school bus do not exceed emission levels permitted in the most recent diesel engine emissions standards issued by the United States environmental protection agency, *provided that on and after September 1, 2040 such school buses must be replaced with all-electric zero emission school buses.*

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such date.

Referred to the Committee on Environmental Protection.

Int. No. 456

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to the sale and use of diesel-powered leaf blowers and lawn mowers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

*SUBCHAPTER 13  
LAWN CARE DEVICES*

*§ 20-699.7 Diesel-powered leaf blowers and lawn mowers.*

*§ 20-699.8 Penalty.*

*§ 20-699.7 Diesel-powered leaf blowers and lawn mowers. No person shall distribute, sell or offer for sale a diesel-powered leaf blower or diesel-powered lawn mower after September 1, 2017.*

*§ 20-699.8 Penalty. a. A person who violates any provision of this subchapter shall be subject to a civil penalty of not less than \$250 nor more than \$1,000 for each violation.*

*b. Civil penalties under this section may be recovered by the department in an action in any court of appropriate jurisdiction or in a proceeding before the environmental control board. Such board shall have the power to impose civil penalties provided for in this section.*

*c. The civil penalties set forth in subdivision a of this section shall be indexed to inflation in a manner to be determined by department rules.*

§ 2. Section 24-242 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*(c) No person shall operate a diesel-powered leaf blower or diesel-powered lawn mower after September 1, 2018.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 457

By Council Member Dromm

**A Local Law to amend the administrative code of the city of New York, in relation to the operation of electronic sound devices on food vending vehicles**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of Section 24-237 of the administrative code of the city of New York is amended to read as follows:

(d) No person shall operate or use or cause to be operated or used on any public right-of-way any electrically operated or electronic sound signal device (other than a safety device, such as but not limited to a car horn or back up signal, that is actually used for its intended purpose) attached to, on or in a motor vehicle, wagon or manually propelled cart from which food or any other items are sold or offered for sale *after 9:00 p.m. and before 9:00 a.m., or* when the vehicle is stopped, standing or parked. For the purposes of this subdivision the term "stopped" means the halting of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with a police officer or other authorized enforcement officer or a traffic control sign or signal. The terms "standing" and "parked" shall be as defined in the vehicle and traffic law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 458

By Council Member Dromm.

**A Local Law to amend the New York city charter, in relation to the translation of department of design and construction notices, and outreach materials**

*Be it enacted by the Council as follows:*

Section 1. Section 1202 of the New York city charter is amended to add a new subdivision c to read as follows:

*c. Any public notices, project information panels or community outreach materials, made available to the public by the department in connection with a project, shall be translated into the top ten languages most commonly spoken within the community district where such project is located or such outreach is occurring, as determined by the commissioner in consultation with the department of city planning and the office of the language services coordinator.*

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Finance.

Int. No. 459

By Council Member Dromm.

**A Local Law in relation to removing references to the Old New York County Courthouse as the Tweed Courthouse**

*Be it enacted by the Council as follows:*

Section 1. No print, online, or other publication produced after the effective date of this law by any New York city agency shall refer to the old New York county courthouse, the building located at 52 chambers street, as the Tweed courthouse.

§2. This local law takes effect three months after it becomes law.

Referred to the Committee on Governmental Operations.

## Int. No. 460

By Council Member Dromm.

**A Local Law to amend the New York city charter, in relation to establishing term limits for community board members**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 2800 of chapter 70 of the New York city charter is amended to read as follows:

a. For each community district created pursuant to chapter sixty-nine there shall be a community board which shall consist of (1) not more than fifty persons appointed by the borough president for staggered terms of two years, at least one-half of whom shall be appointed from nominees of the council members elected from council districts which include any part of the community district, and (2) all such council members as non-voting members. *No community board member first appointed to a term commencing on or after April 1, 2020 shall serve more than six consecutive terms as a voting member of a particular community board.* The number of members appointed on the nomination of each such council member shall be proportional to the share of the district population represented by such council member. The city planning commission, after each council redistricting pursuant to chapter two-A, and after each community redistricting pursuant to section twenty-seven hundred two, shall determine the proportion of the community district's population represented by each council member. Copies of such determinations shall be filed with the appropriate borough president, community board, and council member. One-half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each odd-numbered year in which they take office and one half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each even-numbered year in which they take office. Members shall serve until their successors are appointed but no member may serve for more than sixty days after the expiration of his or her original term unless reappointed by the borough president. Not more than twenty-five percent of the appointed members shall be city employees. No more than two members shall be less than eighteen years of age. No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the district. The borough president shall assure adequate representation from the different geographic sections and neighborhoods within the community district. In making such appointments, the borough president shall consider whether the aggregate of appointments fairly represents all segments of the community. Community boards, civic groups and other community groups and neighborhood associations may submit nominations to the borough president and to council members.

§ 2. This local law takes effect 90 days following its ratification by the voters of this city in a referendum to be held in the general election next following its enactment.

Referred to the Committee on Governmental Operations.

## Int. No. 461

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to notify the department of education and the school construction authority when city-owned or leased property of an adequate size is determined to have no current use**

*Be it enacted by the Council as follows:*

Section 1. Title 4 of the administrative code of the city of New York is amended by adding a new section 4-211 to read as follows:

§ 4-211 *Notice to department of education and school construction authority regarding city-owned or leased property.* a. *Definitions.* For the purposes of this section, the term “department” means the department of citywide administrative services.

b. *Within 30 days of a determination by the department that city-owned or leased property with a footprint of at least 20,000 square feet has no current use, the department shall provide written notice to the department of education of the city of New York and the New York city school construction authority, which notice shall include the information required by subdivision a of section 4-208 of this title, to the extent such information is available*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 462

By Council Member Dromm.

**A Local Law to amend the New York city charter, in relation to requiring the 311 call center to log complaints about locations without street addresses**

*Be it enacted by the Council as follows:*

Section 1. Section 15 of the New York city charter is amended by adding a new subdivision l to read as follows:

l. *No call or text received by 311 that would be entered into the 311 computer system if it included a specific address or other location contained within any address or location database utilized by the 311 shall fail to be so entered on account of such address or other location not being included in any such database. Where a call or text is received by 311 that does not include a specific address or other location contained within any address or location database utilized by 311, such call or text shall be treated for the purposes of entering it into the 311 computer system as if it did include such an address or specific location, except that the location shall be manually noted by the 311 representative in the notes section of any associated entry in the computer system. For the purposes of this subdivision, “311” means the 311 citizen service center.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 463

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to the online publication of information relating to stop work orders issued by the department of buildings**

*Be it enacted by the Council as follows:*

Section 1. Section 28-207.2.1 of the New York city administrative code is amended to read as follows:

§ 28-207.2.1 *Issuance.* Upon issuance of a stop work order by the commissioner, all work shall immediately stop unless otherwise specified. Such order may require all persons to forthwith vacate the premises pursuant to the provisions of section 28-207.4 and may also require such work to be done as, in the opinion of the commissioner, may be necessary to remove any danger therefrom. The police department or other law



enforcement agency or officer shall, upon the request of the commissioner, assist the department in the enforcement of [this section 28-207.2] *stop work orders. Such enforcement may include the arrest of persons engaged in criminal activity, and, to the extent permitted by law, the seizure of equipment being used to engage in criminal activity.* The stop work order may be given verbally or in writing to the owner, lessee or occupant of the property involved, or to the agent of any of them, or to the person or persons executing the work. A verbal order shall be followed promptly by a written order and shall include the reason for the issuance of the stop work order

§2. Chapter two of title 28 of the administrative code of the city of New York is amended by adding a new section 28-207.2.7 to read as follows:

§ 28-207.2.7 *Publication of information pertaining to stop work orders. The commissioner shall make available and maintain on its website the following information:*

(i) *a list of addresses, disaggregated by zip code, and for each zip code, disaggregated by community district and council district, for which a notice or order to stop work has been given, and the date when such notice or order was given; and*

(ii) *a list of addresses, disaggregated by zip code, and for each zip code, disaggregated by community district and council district, for which a notice or order to stop work has been rescinded, and the date of such rescission.*

*No rescission of a stop work order shall be valid unless it is made in writing, and immediately upon the issuance or rescission of a notice or order to stop work, the department shall post the information regarding such notice or order on the appropriate website as required in this section.*

§3. This local law takes effect ninety days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 464

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to defining the term reside in the lead law**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2056.2 of the administrative code of the city of New York, as added by local law 1 for the year 2004, is amended by adding a new subdivision (16) to read as follows:

(16) *“Reside” or “residency” shall mean being present in a dwelling unit for 15 or more hours in a typical week.*

§ 2. This local law takes effect 180 days after it becomes law, except that the board of health, department of health and mental hygiene, and department of housing preservation and development may take such actions, including the promulgation of rules, as are necessary for its timely implementation prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 465

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to conduct education and outreach regarding single-occupant toilet room requirements**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended to add a new section 28-103.32 to read as follows:

§ 28-103.32 *Education and outreach regarding single-occupant toilet room requirements.* a. *The commissioner shall establish and implement an education and outreach program to increase awareness of the single-occupant toilet room requirements, as set forth in section 403.2.1 of the New York city plumbing code, and the related posting and signage requirements, as set forth in section 403.4 of the New York city plumbing code. Such education and outreach program shall at a minimum include:*

1. *Educational materials concerning the single-occupant toilet room requirements and the related posting and signage requirements, including samples of acceptable signage, which shall be made available to owners required to comply with such requirements and on the department's website in English and the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning; and*

2. *Linguistically and culturally competent outreach tailored to owners required to comply with the single-occupant toilet room requirements and the related posting and signage requirements.*

b. *In establishing and implementing the education and outreach program required by subdivision a of this section, the commissioner shall seek the cooperation of the mayor's office of immigrant affairs, the department of consumer affairs, the department of health and mental hygiene and the department of small business services.*

c. *No later than September 1, 2018, and no later than every September 1 thereafter, the commissioner shall submit to the mayor and the speaker of the council, and post on the department's website, a report on the implementation and efficacy of the education and outreach program required by subdivision a of this section. The reports required pursuant to this section shall remain permanently accessible on the department's website.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 466

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of an immigrant affairs coordinator within the department of parks and recreation**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title eighteen of the administrative code of the city of New York is amended by adding a new section 18-155 to read as follows:

§18-155 *Establishment of immigrant affairs coordinator.* *There shall be established within the department the position of "Immigrant Affairs Coordinator". The duties of any person who shall have this position shall be determined by the commissioner, and shall include, but need not be limited to, acting as liaison to immigrant communities throughout New York city on behalf of the department, and consulting with other members of the department on program implementation as it relates to immigrants.*

§2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 467

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requests for trees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-106.1 to read as follows:

§ 18-106.1 Report on requests for trees. a. By no later than December 1 of each year, the commissioner shall submit to the mayor and the council, and publicly post on its website, a report on requests to have trees planted on streets which were received by the department during the previous fiscal year. Such report shall include, but not be limited to:

1. The number of such requests, disaggregated by whether the site requested was an existing empty tree bed or a paved sidewalk;
2. *The number of trees planted during the previous fiscal year in response to such requests;*
3. *The number of such requests, which were not approved, disaggregated by the reason for such non-approval;*
4. *An analysis of whether any requests which were not approved, could be approved for a different type of tree; and*
5. *The number of existing empty tree beds.*

b. *Such report shall also include recommendations for increasing the number of trees planted in response to requests for street trees.*

§ 2. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

**CHAPTER 9  
DASHBOARDS**

§ 23-901 *Definitions. As used in this chapter, the following terms have the following meanings:*

*Dashboard. The term “dashboard” means a data visualization tool publicly available on the internet that includes a customizable interface and uses current data from one or more sources.*

*Department. The term “department” means the department of information technology and telecommunications or any successor agency.*

§ 23-902 *Requests for trees. Within one year of the effective date of the local law that added this section, the department of parks and recreation shall, in conjunction with the department, create a dashboard consisting, at a minimum, of data on requests to have trees planted on streets which were received by the department of parks and recreation. Such data shall include, but not be limited to:*

- (i) the number of such requests;*
- (ii) the number of such requests which have been added to the list of trees to be planted; and*
- (iii) the number of trees planted in response to such requests*
- (iv) the number of such requests which were denied disaggregated by the reason for such denial.*

§ 3. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 468

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to a police computer technology strategy plan that includes a phase-out of the use of typewriters**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

*§14-175 Annual information technology strategy. No later than April first of each year, the department shall produce and transmit to the council and the mayor an information technology strategy report detailing the department's plans for the procurement and deployment of all technology and telecommunications initiatives in the following fiscal year. Such strategy report shall include a plan for the phase-out of the use of typewriters for all departmental purposes by fiscal year two thousand nineteen.*

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 469

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to allow individuals to request certain records through its website.**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

*§14-175. Records available on the world wide web. The department's website shall provide a manner in which individuals may submit an on-line request for certain records, including, but not limited to, reports verifying a crime or listing lost property and police accident reports.*

§2. This local law shall take effect 180 days after its enactment into law, provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules and regulations.

Referred to the Committee on Public Safety.

Int. No. 470

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to collect and report data related to the unlawful posting of printed material.**

*Be it enacted by the Council as follows:*

Section 1. Section 10-119 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. No later than October 1, 2018, and not less frequently than annually thereafter, the department of sanitation shall collect and report on its website the following statistical data concerning notices of violation of this section issued in each community district: (i) the number of issued notices of violation; (ii) the types of printed material posted (e.g., sticker, poster, etc.) in violation of this section; and (iii) the types of property on which such printed materials were posted (e.g., tree, lamppost, etc.) in violation of this section.*

§2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

## Int. No. 471

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting obstructions or nuisances in or upon sidewalks, flagging or curbstones, streets and medians of streets and establishing a rebuttable presumption regarding responsibility for the placement of signs constituting such obstructions or nuisances**

*Be it enacted by the Council as follows:*

Section 1. Paragraph a of subdivision 2 of section 16-118 of the administrative code of the city of New York is amended to read as follows:

(a) Every owner, lessee, tenant, occupant or person in charge of any building or premises shall keep and cause to be kept the sidewalk, flagging and curbstone abutting said building or premises free from obstruction and nuisances of every kind, and shall keep said sidewalks, flagging, curbstones, and air shafts, areaways, backyards, courts and alleys free from garbage, refuse, rubbish, litter, debris and other offensive material. Such persons shall also remove garbage, refuse, rubbish, litter, debris and other offensive material between the curbstone abutting the building or premises and the roadway area extending one and one-half feet from the curbstone into the street on which the building or premises front. Such persons shall not, however, be responsible for cleaning the garbage, refuse, rubbish, litter, debris and other offensive material [which] *that* accumulates at catch basins located within the one and one-half foot distance from the curbstone into the street.

§ 2. Subdivision 2 of section 16-118 of the administrative code of the city of New York is amended by adding three new paragraphs c, d and e to read as follows:

(c) *No person shall place or cause to be placed an obstruction or nuisance of any kind anywhere in or upon any sidewalk, flagging or curbstone, street or median of a street. For purposes of this subdivision, the term "median" shall mean the dividing area between lanes of traffic on a street.*

(d) *When it is determined that there exists an obstruction or nuisance in violation of paragraph c of this subdivision and such obstruction or nuisance is a sign, including, but not limited to, an A-frame sign or a sandwich board, there shall be a rebuttable presumption that the person whose name, address, telephone number or other identifying information appears on any such sign, placed, or caused to be placed, such sign, and has violated paragraph c of this subdivision.*

(e) *Where the obstruction or nuisance is a sign, including, but not limited to, an A-frame sign or a sandwich board, and was placed in violation of paragraph c of this subdivision, and such sign fails to display a name, address, telephone number or other identifying information that would reasonably allow an officer or employee of the department to identify the person that placed, or caused to be placed, such sign, such sign shall be deemed abandoned and an authorized officer or employee of the department may remove and dispose of such sign.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

## Int. No. 472

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to backup of electronic information stored by city agencies**

*Be it enacted by the Council as follows:*

Section 1. Title 10 of the administrative code of the city of New York is amended by adding a new Chapter 12 to read as follows:

*CHAPTER 12  
ELECTRONIC DATA BACKUP*

*§ 10-1201 Backup of electronic information. Any agency that stores electronic information shall back up such information on an external storage device, a remote server over the internet, or on other storage media, with regular frequency. Electronic information stored on a physical or virtual server shall be regularly tested and restored.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Technology.

Int. No. 473

By Council Member Dromm.

**A Local Law in relation to reporting on the feasibility of 911 caller identification information and 911 confirmation numbers**

*Be it enacted by the Council as follows:*

Section 1. The report that is due no later than six months after June 30, 2018, pursuant to subdivision b of section 10-174, shall contain a description of the feasibility of providing accurate 911 caller identification information when 911 call takers or dispatchers return 911 calls and a description of the feasibility of providing confirmation numbers to 911 callers.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 474

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to making the chaining, tying, or attaching of bicycles to street trees illegal**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-176.3 to read as follows:

*§ 19-176.3 Attaching bicycles to street trees prohibited. a. For the purposes of this section, the term "street tree" means a tree under the jurisdiction of the commissioner of parks and recreation in accordance with section 18-104 of the code.*

*b. No person shall chain, tie, or otherwise attach a bicycle to a street tree.*

*c. The commissioner, in consultation with the commissioner of parks and recreation, shall promulgate by rule any penalty for any violations of this section.*

*d. Where a summons or notice of violation is issued for a violation of subdivision b of this section, the bicycle may be seized and impounded as provided in section 19-176 of the code.*

*e. The provisions of this section may be enforced by designated employees of the department, the police department, the department of sanitation, and the department of parks and recreation.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 475

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to limiting the parking of motor vehicles by dealers.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is hereby amended to add a new section 19-170.1 to read as follows:

§ 19-170.1 *Limitation on parking of motor vehicles by dealers. a. It shall be unlawful for any dealer, as defined in section four hundred fifteen of the vehicle and traffic law, to park, store or otherwise maintain a motor vehicle upon any street of the city for the purpose of:*

*(i) displaying such motor vehicle for sale, or (ii) greasing or repairing such motor vehicle, except in the case of an emergency repair.*

*b. It shall be unlawful for any dealer, as defined in section four hundred fifteen of the vehicle and traffic law, to park, store, or otherwise maintain on any street a motor vehicle that is in the dealer's possession while awaiting repair or subsequent return to the owner or lessee of such motor vehicle. Any dealer in possession of a motor vehicle awaiting repair or subsequent return to the owner or lessee of such motor vehicle shall, at all times, display a placard, clearly legible through the motor vehicle's forward windshield, indicating the name, address, license number and telephone contact information of such dealer.*

*c. Each violation of this section shall be punishable by a fine of not less than two hundred fifty dollars and not more than four hundred dollars. For purposes of this section, every day that any single motor vehicle is parked illegally shall be considered a separate violation.*

*d. If an owner or lessee of a motor vehicle receives a summons for a parking violation on the date and time such motor vehicle was in the possession of a dealer awaiting repair or subsequent return to such owner or lessee, it shall be an affirmative defense that such motor vehicle was in the possession of such dealer at the time of the violation alleged in the summons. If such defense is successful, the commissioner is authorized to issue a summons, violation, or to otherwise prosecute the dealer in possession of such motor vehicle on the date and time of the offense alleged in the original summons.*

*e. Any motor vehicle parked in violation of subdivision a of this section shall be subject to impoundment. Any motor vehicle impounded pursuant to this subdivision shall not be released until all applicable towing and storage fees have been paid. The commissioner may promulgate rules concerning the procedure for the impoundment and release of motor vehicles pursuant to this subdivision.*

*f. If a motor vehicle is impounded or receives a summons while in the possession of a dealer who is not the owner or lessee of such motor vehicle, such owner or lessee shall have a private cause of action against any dealer who was in possession of the motor vehicle at the time of such impoundment or the issuance of such summons.*

*g. The penalties and fees provided for in this section shall be in addition to any other penalties, fees or remedies provided by law or regulation.*

§2. This local law takes effect immediately.

Referred to the Committee on Transportation.

## Int. No. 476

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring towed vehicle storage facilities to provide 24 hour access**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title fourteen of the administrative code of the city of New York is amended by adding a new section 14-140.1 to read as follows:

*§14-140.1 Redemption of Towed Vehicles. All storage facilities for towed vehicles operated by the department shall provide twenty-four hour access for redemption of vehicles stored in such facilities.*

§2. Section 20-508 of title 20 of the administrative code of the city of New York is amended to read as follows:

§20-508 Storage facilities. Every licensee which stores vehicles shall do so only on premises which *provide twenty-four hour access for redemption of such vehicles and* meet such specifications as the commissioner shall establish by regulation for safeguarding property.

§2. This local law shall take effect 60 days after its enactment into law.

Referred to the Committee on Transportation.

## Int. No. 477

By Council Members Dromm and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing the minimum distance at which a vehicle can park adjacent to a fire hydrant**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-165.1 to read as follows:

*§19-165.1 Stopping, standing or parking near fire hydrants. No person shall stop, stand or park a vehicle within ten feet of a fire hydrant, unless otherwise indicated by signs, or parking meters, except that during the period from sunrise to sunset if standing is not otherwise prohibited, the operator of a passenger car may stand the vehicle alongside a fire hydrant provided that the operator remains in the operator's seat ready for immediate operation of the vehicle at all times and starts the motor of the car on hearing the approach of fire apparatus, and provided further, that the operator shall immediately remove the car from alongside the fire hydrant when instructed to do so by any member of the police, fire, or other municipal department acting in his/her official capacity.*

§2. This local law shall take effect 90 days after its enactment into law, except that the commissioner of transportation shall take all actions necessary for its implementation prior to such effective date.

Referred to the Committee on Transportation.



## Int. No. 478

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to removal of postings of temporary parking changes**

*Be it enacted by the Council as follows:*

Section 1. Section 19-175.2 of the administrative code of the city of New York is amended to add a new subdivision f to read as follows:

*f. All postings of temporary parking restrictions required by this section or otherwise posted by the police department or any other agency shall be removed by the entity that placed such posting not more than twenty four hours following the conclusion of the temporary parking restrictions.*

§2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Transportation.

## Int. No. 479

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to offering discharge upgrade assistance and extending city veteran benefits to service members who were discharged because of their LGBTQ status**

*Be it enacted by the Council as follows:*

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-106 to read as follows:

*§ 31-106 Benefits and assistance for LGBTQ veterans. a. For purposes of this section, the following terms have the following meaning:*

*Certificate of Eligibility. The term “certificate of eligibility” means a certificate issued by the department that can be used as proof that a discharged LGBTQ veteran is eligible for certain city benefits or services available to veterans.*

*Discharged LGBTQ Veterans. The term “discharged LGBTQ veteran” means a veteran who was discharged from the United States military or naval services solely due to sexual orientation, gender identity or expression; statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity or expression; or the disclosure of such statements, conduct or acts, that were prohibited by the armed forces at the time of discharge.*

*b. Notwithstanding any other provision of law, no veteran shall be denied eligibility for any city program, service, or benefit to veterans for which they would otherwise be eligible solely on the basis of the veteran’s status as a discharged LGBTQ veteran.*

*c. The department shall offer assistance to any discharged LGBTQ veteran seeking a discharge characterization upgrade, changes of narrative reasons for discharge, changes of separation and separation program designator codes and changes of reentry/reenlistment, where there are no aggravating factors related to the discharge. Such assistance shall be provided by legal counsel or an accredited representative of an organization recognized under section 5902 of title 38 of the United States code or successor provisions.*

*d. Upon request, the department shall issue a certificate of eligibility to a discharged LGBTQ veteran as proof of their eligibility to receive certain services and benefits for veterans.*

*e. The department shall make information about obtaining certificates of eligibility for discharged LGBTQ veterans available on the department’s website.*

*f. The commissioner may promulgate such rules as may be necessary to carry out the purposes of this section.*

§ 2. This local law takes effect 120 days after enactment, except that the commissioner may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Veterans.

Int. No. 480

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of youth and community development to review strategies and create a plan of action to protect children who qualify for special immigrant juvenile status**

*Be it enacted by the Council as follows:*

Section 1. Section 21-401 of the administrative code of the city of New York is amended by adding new subdivisions f, g, and h to read as follows:

*f. "Homeless youth" shall have the same meaning as provided in subdivision two of section 532-a of the executive law.*

*g. "Runaway and homeless youth providers" shall mean department-administered crisis shelters and department-administered transitional independent living facilities.*

*h. "Runaway youth" shall have the same meaning as provided in subdivision one of section 532-a of the executive law.*

§2. Chapter four of title 21 of the administrative code of the city of New York is amended by adding a new section 21-404 to read as follows:

*§ 21-404 Special immigrant juvenile status plan. a. The department shall designate one or more individuals to be responsible for creating and implementing a comprehensive plan to provide services to runaway and homeless youth in contact with runaway and homeless youth providers who may be deemed eligible for special immigrant juvenile status or other immigration benefits. Such plan shall, at a minimum, describe how the department and the runaway and homeless youth providers will achieve the following goals: 1. identify the country of birth, to the extent practicable, of runaway and homeless youth in contact with the runaway and homeless youth providers; 2. identify such runaway and homeless youth, as early as possible, who may qualify for special immigrant juvenile status or other immigration benefits; 3. track such runaway and homeless youth, to the extent practicable and consistent with confidentiality requirements, until the completion of their special immigrant juvenile status or other immigration relief; 4. assist such runaway and homeless youth, as soon as they are identified, in obtaining the immigration services they need, including birth certificates if they do not possess them; and 5. provide mandatory training programs on immigration benefits, including special immigrant juvenile status, for runaway and homeless youth provider staff. Such plan shall also include detailed descriptions of (i) program standards for runaway and homeless youth provider staff regarding special immigrant juvenile status identification and coordination of immigration services; (ii) the department's mechanisms and indicators for monitoring the runaway and homeless youth providers' compliance with and achievements under the plan; and (iii) the department's method(s) for collecting data and evaluating outcomes for immigrant runaway and homeless youth under the plan. On or before April 1, 2019 the department shall submit the plan to the city council.*

*b. Reporting. No later than one year after completion and submission of the plan required by subdivision a of this section, and annually thereafter, the department shall prepare and submit to the city council a report containing (i) an assessment of its ability to identify, track and coordinate immigration services for runaway and homeless youth in contact with runaway and homeless youth providers; (ii) indicators sufficient to show the*

*department's progress towards achieving the goals of the plan; and (iii) such programs, procedures, memoranda, or training materials as concern the implementation and goals of the plan.*

§3. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Youth Services.

Int. No. 481

By Council Members Dromm and Espinal

**A Local Law to amend the administrative code of the city of New York, in relation to reporting data about electric bicycles.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 14-153 of the administrative code of the city of New York, is amended to read as follows:

a. The department shall publish on its website the following traffic-related data: (1) the number of moving violation summonses issued, disaggregated by type of summons; (2) the number of traffic crashes, disaggregated by (i) the type of vehicle or vehicles involved; (ii) the number of motorists and/or injured passengers, bicyclists and pedestrians involved; and (3) the number of traffic-related fatalities and injuries disaggregated by (i) the number of motorists and/or injured passengers, bicyclists and pedestrians involved; and (ii) the apparent human contributing factor or factors involved in the crash, including, but not limited to alcohol, driver inattention/distraction, speeding, failure to yield and use of cell phones or other mobile devices. *For purposes of the above, bicyclists shall be further disaggregated by the number of bicyclists using bicycles that run exclusively on human power and by the number of bicyclists using bicycles that are capable of running on human power that may also be powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power and is not capable of being registered with the New York state department of motor vehicles.*

§2. Section 19-186 of the administrative code of the city of New York is amended to add a new subdivision c to read as follows:

c. *Commencing on the effective date of this subdivision, all compilation of information and all reporting required by this section shall disaggregate bicycles by the number of bicycles that run exclusively on human power and by the number of bicycles that are capable of running on human power that may also be powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power and is not capable of being registered with the New York state department of motor vehicles.*

§3. This local law shall take effect one hundred twenty days after it is enacted into law.

Referred to the Committee on Transportation

Res. No. 142

**Resolution calling on President Donald Trump to overturn the directive prohibiting transgender individuals from serving in the military and for U.S. Secretary of Defense James Mattis to continue to allow transgender individuals to serve openly.**

By Council Member Dromm.

**Whereas,** In 2014, according to the Williams Institute, there were over 15,500 transgender personnel serving in the United States (“U.S.”) Armed Forces, and another 134,000 transgender veterans or retired guard or reserve servicepersons; and

**Whereas,** According to veteran advocate group Palm Center’s Transgender Military Service Commission Report, transgender individuals are twice as likely to serve in the military as non-transgender individuals; and

**Whereas,** Pentagon policy prior to 2016 prohibited transgender individuals from serving openly and required separation if transgender individuals were discovered; and

**Whereas,** A RAND Corporation study examining the impact of removing the federal ban on transgender military service, commissioned by former Secretary of Defense Ashton Carter, found impacts on force readiness and health care costs associated with gender transition to be minimal; and

**Whereas,** On June 30, 2016, the Department of Defense (“DOD”) announced new rules allowing transgender individuals to serve openly in the military and, on October 1, 2016, the publication of a Commander’s Training Handbook, Medical Guidance, and Policy and Procedures for changing a service member’s gender marker; and

**Whereas,** While lifting the ban on transgender individuals serving in the military, the DOD concurrently paused new enlistments of transgender individuals until all policies were fully implemented by July 1, 2017; and

**Whereas,** On June 30, 2017, current Secretary of Defense James Mattis delayed the new enlistment of transgender individuals by an additional 6 months, in order to review the effect their enlistment could have on the armed services’ readiness and lethality; and

**Whereas,** On July 26, 2017, President Donald Trump released a statement on his personal Twitter account, stating: “After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you”; and

**Whereas,** President Trump signed guidance on August 25, 2017 that directs the DOD to ban new enlistments of transgender individuals, gives Secretary Mattis broad discretion to determine the future of currently serving transgender military members, and orders the Pentagon to immediately stop covering the costs of gender reassignment surgeries except for those in the process of transitioning; and

**Whereas,** The new guidance calls for an implementation plan for the transgender ban to be drafted by February 21, 2018, and fully in place by March 23, 2018; and

**Whereas,** The guidance could force currently serving transgender individuals to resign, seek early retirement, or be released, at the discretion of Secretary Mattis; and

**Whereas,** On August 29, 2017, Secretary Mattis announced that transgender service members may continue to serve in the military, pending a study conducted by the DOD and the Department of Homeland Security examining military readiness, lethality, unit cohesion, and budgetary constraints; and

**Whereas,** Two federal courts in Washington and Virginia have ordered the DOD to accept applications for enlistment of transgender individual starting January 1<sup>st</sup>, 2018; and<sup>1</sup>

**Whereas,** The Department of Justice has decided not to appeal the court order prior to receiving the DOD study of transgender enlistment in February 2018, but has hinted that a transgender ban remains under consideration; and<sup>2</sup>

**Whereas,** As a result of the Pentagon lifting the transgender ban in 2016, at least 250 transgender military service members have had their gender marker changed, with undoubtedly more coming forward to their troops and commanding officers, who are now at risk of harassment, discrimination, or termination; and

**Whereas,** President Trump has argued that transgender individuals pose “tremendous medical costs and disruption” to the military, neither of which have been substantiated by recent studies from the U.S. or abroad; and

**Whereas,** As of 2016, 18 foreign nations that permit transgender personnel to serve openly include close American allies such as Australia, Great Britain, and Israel; and

**Whereas,** Society has increasingly recognized the need to combat discrimination against transgender individuals; and

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<sup>1</sup> <http://www.businessinsider.com/transgender-recruits-allowed-to-serve-in-military-2017-12>

<sup>2</sup> <http://www.businessinsider.com/transgender-recruits-allowed-to-serve-in-military-2017-12>

**Whereas**, The U.S. Equal Employment Opportunity Commission, 20 states, the District of Columbia, and over 200 municipalities, including New York City, prohibit discrimination in employment, housing, and public accommodation on the basis of gender identity; and

**Whereas**, All military personnel should be able to serve without having to lie about their identity and be treated with respect; and

**Whereas**, Many federal officials and lawmakers have come forward to oppose the ban on transgender persons serving in the military, including Senators John McCain (R-AZ), Kirsten Gillibrand (D-NY), Charles Schumer (D-NY), Orrin Hatch (R-UT), Richard Shelby (R-AL), Joni Ernst (R-IA), Cory Booker (D-NJ), House Minority Leader Nancy Pelosi (D-CA), Navy Secretary Richard Spencer, Coast Guard Commandant Admiral Paul Zukunft, and 56 retired generals and admirals; and

**Whereas**, The Council of the City of New York recognizes that lesbian, gay, bisexual, and transgender persons have served and are still serving in the U.S. armed forces with honor and distinction, from the Revolutionary War to the current wars in Afghanistan and Iraq; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on President Donald Trump to overturn the directive prohibiting transgender individuals from serving in the military and for U.S. Secretary of Defense James Mattis to continue to allow transgender individuals to serve openly

Referred to the Committee on Civil and Human Rights.

Res. No. 143

**Resolution calling on the New York State Legislature to pass and the Governor to sign the Humane Alternatives to Long-Term Solitary Confinement Act.**

By Council Member Dromm

**Whereas**, Solitary confinement typically constitutes a special form of imprisonment by segregating an inmate for 23 hours a day and disallowing any contact with the outside world; and

**Whereas**, According to various sources, an increasing number of jurists throughout the world have concluded that solitary confinement constitutes cruel and unusual punishment and view solitary confinement as a form torture; and

**Whereas**, According to a recent report released by the New York Civil Liberties Union, New York State currently houses approximately 4,500 inmates in solitary confinement; and

**Whereas**, Inmates in solitary confinement are generally deprived of all meaningful human interaction or mental stimulation, confined to small barren cells; and

**Whereas**, New York State must take a more proactive approach to not only properly protect inmates in New York State prisons and jails, but must adopt better standards that reaffirm the State's commitment to respect inmates' human dignity; and

**Whereas**, A.3080, sponsored by Assembly Member Jeffrion L. Aubry and currently pending in the New York State Assembly, and companion bill S.4784, sponsored by State Senator Kevin S. Parker and pending in the New York State Senate, seek to amend the New York State Correction Law by restricting the use of segregated confinement and creating alternative therapeutic and rehabilitative confinement options; and

**Whereas**, A.3080/S.4784 is also known as the Humane Alternatives to Long-Term Solitary Confinement Act or "HALT Solitary Confinement Act"; and

**Whereas**, The HALT Solitary Confinement Act would amend the New York State Correction Law by limiting the time an inmate spends in segregated confinement to a maximum of 15 consecutive days and a total of 20 days during a 60-day period; and

**Whereas**, The HALT Solitary Confinement Act would end the segregated confinement of vulnerable people, including, but not limited to, individuals with physical or mental disabilities; and

**Whereas**, Furthermore, the HALT Solitary Confinement Act would create alternatives to isolated confinement by providing a new Residential Rehabilitation Unit for meaningful human contact and therapeutic services and rehabilitative programs aimed at addressing underlying causes of behavior; and

**Whereas**, New York State should establish parameters on who can and cannot be placed in solitary confinement and provide appropriate therapeutic services to individuals who are in need; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign the Humane Alternatives to Long-Term Solitary Confinement Act.

Referred to the Committee on Criminal Justice.

Res. No. 144

**Resolution calling on federal and New York state authorities to appoint special prosecutors to prosecute violence and civil rights violations against individuals in the New York City Department of Correction.**

By Council Member Dromm.

**Whereas**, The New York City Department of Correction ("DOC") is charged with overseeing and providing for the care, custody, and control of individuals 16 years of age and older who are accused of crimes or convicted and sentenced to one year or less of incarceration; and

**Whereas**, DOC reported 58,226 total admissions to City jails during Fiscal Year 2017, with an average daily population of 9,500; and

**Whereas**, On August 4, 2014, the United States Department of Justice ("DOJ") issued a report on New York City jails on Rikers Island, which focused on the adolescent male population and the use of force by staff, inmate-on-inmate violence, and use of punitive segregation during the period 2011-2013; and

**Whereas**, The report notes that these conditions likely violated the Constitutional rights of these inmates; and

**Whereas**, It has been reported by numerous news agencies that inmates have been denied proper medical, including mental health, treatment have been beaten by correction officers, and have died unnecessarily while in DOC custody; and

**Whereas**, Very few cases of alleged mistreatment of inmates by DOC staff are prosecuted; and

**Whereas**, Both the federal and New York state governments should appoint special prosecutors who have specific training in violence and civil rights violations in city jails to prosecute such violations against individuals; and

**Whereas**, Providing this independent oversight and prosecutorial power would help ensure the safety of inmates and ensure their constitutional rights are protected; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on federal and New York state authorities to appoint special prosecutors to prosecute violence and civil rights violations against individuals in the New York City Department of Correction.

Referred to the Committee on Criminal Justice.

Res. No. 145

**Resolution calling upon the United States Congress to pass and the President to sign H.R. 3246, the Teachers and Parents at the Table Act, which would create an advisory committee of teachers and an advisory committee of parents to advise the Congress and Secretary of Education.**

By Council Member Dromm.

**Whereas**, The Every Student Succeeds Act (ESSA), enacted in 2015, is the most recent reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA), the nation’s national education law and longstanding commitment to equal opportunity for all students; and

**Whereas**, According to the U.S. Department of Education, ESSA builds on key areas of progress in recent years, including lower dropout rates and higher graduation and college-going rates, and provides “a firm foundation for further work to expand educational opportunity and improve student outcomes”; and

**Whereas**, There is currently no requirement in ESSA for consulting with teachers or parents and families on the implementation of the law and monitoring its impact on students; and

**Whereas**, It would be helpful to include the voices of educators, who are responsible for implementing ESSA requirements in identifying needed changes; and

**Whereas**, It would also be helpful to include the voices of parents in analyzing the impact of ESSA on children and families; and

**Whereas**, H.R. 3246, *Teachers and Parents at the Table Act* (“the Act”), introduced by Congresswoman Kathleen Rice in July 2017, seeks to provide a mechanism for such educator and parent input; and

**Whereas**, The Act amends Title I (Improving the Academic Achievement of the Disadvantaged) of the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to establish a Teacher Advisory Committee and a Parents and Families Advisory Committee; and

**Whereas**, The role of the Teacher Advisory Committee would be to bring the perspective of expert teachers to policymakers regarding the implementation and impact of ESSA and to make policy recommendations; and

**Whereas**, The Act requires the Teacher Advisory Committee to be composed of a diverse group of 20 public school classroom teachers who are past or present State Teachers of the Year or nominated from organizations representing teachers and have demonstrated similar evidence of expertise, and have experience working with educational policy; and

**Whereas**, Further, the Act requires the Teacher Advisory Committee to submit to Congress and the Secretary of Education 2 reports per year on not more than 3 topics per year determined by the Committee in consultation with policymakers; and

**Whereas**, The role of the Parents and Families Advisory Committee would be to monitor the effects of this Act on children and families, and review and analyze implementation of State and local parent and family engagement policies, school-parent compacts, and other family engagement activities; and

**Whereas**, The Act requires the Parents and Families Advisory Committee to be composed of a diverse group of 20 parents or family members of children enrolled in a public school who have a demonstrated history of parental involvement and family engagement in schools; and

**Whereas**, Further, the Act requires the Parents and Families Advisory Committee to submit an annual report and quarterly updates on the effects of this Act on parental involvement and family engagement in education and recommendations for strengthening family engagement policy; and

**Whereas**, H.R. 3246 seeks to advance student achievement by providing a mechanism for teachers and parents and families to have greater input in policy decisions that impact students; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R. 3246, the *Teachers and Parents at the Table Act*, which would create an advisory committee of teachers and an advisory committee of parents to advise the Congress and Secretary of Education.

Referred to the Committee on Education.

Res. No. 146

**Resolution calling upon the New York City Department of Education to establish Diwali as an official holiday for New York City public school students.**

By Council Member Dromm

**Whereas**, According to the U.S. Census Bureau's latest American Religious Identification Survey in 2008, there were 582,000 Hindus, 78,000 Sikhs, and 1,189,000 Buddhists in the United States; and

**Whereas**, According to the Census Bureau's 2016 American Community Survey, there were about 227,825 New York City residents who identify themselves as Asian Indian, of which many are adherents of Hinduism, Sikhism, Jainism, or Buddhism; and

**Whereas**, Diwali, a five-day festival that begins on the 15th day of the Hindu month of Kartik (October/November), is the most important festival on the Hindu calendar, celebrating the triumph of good over evil and marking the New Year; and

**Whereas**, Diwali is commonly known as the Festival of Lights, with celebrants lighting millions of lanterns, symbols of knowledge and inner light, to dispel ignorance and darkness; and

**Whereas**, For Sikhs, Diwali is the day the Mughal Emperor released Hargobind, the revered sixth Guru, from captivity; and

**Whereas**, For Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, who was the last of the Tirthankaras, or the great teachers of Jain dharma; and

**Whereas**, Some Buddhists celebrate Diwali to commemorate the day King Ashok converted to Buddhism; and

**Whereas**, Despite the large number of Hindus, Sikhs, Jains, and Buddhists in New York City, Diwali is not recognized as a school holiday in the New York City public school system; and

**Whereas**, In 2007, the United States House of Representatives passed a resolution recognizing the religious and historical significance of Diwali, and in 2013 hosted the first-ever Congressional Diwali celebration; and

**Whereas**, In 2011 and 2013, the US Senate passed a resolution recognizing the historical and spiritual significance of Diwali for Hindus, Sikhs, and Jains; and

**Whereas**, Since 2003, the White House has held an annual Diwali celebration; and

**Whereas**, New York City has already acknowledged the significance of Diwali by suspending alternate side parking rules on Lakshmi Puja, the third and most important day of the holiday; and

**Whereas**, Currently, New York City public schools are closed on several religious holidays; and

**Whereas**, It should be noted that Chancellor's Regulation A-630 puts forth guidelines regarding the provision of reasonable accommodations for religious observance and practices for public school students; and

**Whereas**, Pursuant to Regulation A-630, reasonable accommodations include excused absences for religious observance outside of school grounds, as well as in-school provisions such as time for praying or sitting separately in the cafeteria during periods in which a student may fast; and

**Whereas**, Despite the intentions behind this regulation, many parents, students and advocates have expressed concern that students who celebrate Diwali are still left at a disadvantage, having to choose between celebrating an important holiday or being absent from school, which can result in these students falling behind their peers, missing lessons and tests, and having lower attendance records; and

**Whereas**, Other American localities with growing Hindu, Sikh, Jain, and Buddhist populations have incorporated Diwali into their school holiday calendars, including Passaic and South Brunswick in New Jersey; and

**Whereas**, New York City is a diverse and dynamic locality in which tolerance and acceptance are central values, and the incorporation of Diwali as a public school holiday would serve as an important embodiment of this tolerance and acceptance; and

**Whereas**, The New York City Department of Education has authority over the school calendar and, as a matter of policy, can incorporate Diwali as an observed holiday; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to establish Diwali as an official holiday for New York City public school students.

Referred to the Committee on Education.



## Res. No. 147

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.7063/ S.5563, legislation regarding the creation of a pilot program to improve social and emotional learning in schools.**

By Council Member Dromm.

**Whereas**, Social and emotional learning (“SEL”), also called whole-child education, is a systematic and evidence-based approach to teaching students integral skills, like understanding and managing emotions, setting and achieving goals, establishing and maintaining positive relationships, and avoiding negative behaviors; and

**Whereas**, SEL provides an all-hands framework inviting educators, family members, school leaders, and community partners to coordinate, value, and support their students’ social, emotional, and academic learning, connecting students with their world outside of school; and

**Whereas**, Education efforts focused on academic performance have for too long pushed SEL skills aside, but educators and researchers are beginning to understand that content knowledge alone is not sufficient to prepare students for life after high school whether students continue onto higher education or enter the workforce; and

**Whereas**, Passing standardized tests may not translate into future success, and studies show that when SEL is integrated into schools, students learn adaptive life skills that help their personal development as well as their academic performance, such as stress management, addressing mental and emotional health needs, making responsible choices, and contributing constructively to society; and

**Whereas**, SEL is a specific approach to education that aims to help all students, including those from vulnerable communities, become more active participants in their learning, more empowered and more engaged citizens in everyday life by teaching them how to empathize, collaborate, and resolve conflict; and

**Whereas**, SEL addresses risk factors that can create barriers to learning, such as poverty, racism, violence and drug use, absent parents, behavioral or cognitive disorders, and exposure to the juvenile justice or foster care system; and

**Whereas**, Schools utilizing SEL can more readily confront such issues both preventatively and in early intervention measures to promote healthy development and to assist students with chronic or severe problems; and

**Whereas**, SEL includes an adapted support system for students growing up in adverse environments and helps to cultivate conditions that are most conducive to learning, such as emotional and physical safety, meaningful and caring connections, high expectations, and school participation and engagement; and

**Whereas**, Educators teaching SEL create a supportive and trusting school environment where students feel safe and have the opportunity to thrive, thereby developing a culture in which students and teachers exchange respectful, positive interactions that strengthen their relationships and motivate each other to do their best; and

**Whereas**, In a meta-analysis of 213 studies involving more than 270,000 students, those who participated in SEL programs showed an 11-percentile-point gain in academic achievement compared to those in their cohort who did not participate in SEL programs, as reported in the journal *Child Development* in January 2011; and

**Whereas**, Participating students also showed improved classroom behavior, better ability to cope with stress, and more positive attitudes about themselves, their classmates, and school generally; and

**Whereas**, While the federal No Child Left Behind Act relied heavily on students’ scores on standardized math and reading tests to determine success in schools, the Every Student Succeeds Act, which was enacted in December 2015 to replace No Child Left Behind, now requires states to incorporate broader and non-academic measures, such as social and emotional skills, along with standardized test scores into their accountability systems; and

**Whereas**, A.7063, sponsored by Assemblymember Vivian E. Cook, and its companion bill S.5563, sponsored by Senator Joseph P. Addabbo, Jr., would direct the Commissioner of Education to establish in each school system or district in New York State a pilot program aimed at improving SEL in at least one school within their system or district; and

**Whereas**, Under the implementation of this legislation in New York City, the Council of the City of New York would strongly urge the Department of Education to establish a pilot program in at least one school within each community school district to bring these benefits to students; and

**Whereas**, The advantages of SEL in education are numerous, including improvements in grades and attendance, decreases in suspensions and bullying, and other emerging attributes as research continues; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.7063/ S.5563, legislation regarding the creation of a pilot program to improve social and emotional learning in schools.

Referred to the Committee on Education.

Res. No. 148

**Resolution calling upon the United States Congress to pass and the President to sign H.R. 2151/S.954, the Tyler Clementi Higher Education Anti-Harassment Act, which would recognize cyberbullying as a form of harassment and require higher education institutions to enact anti-harassment policies protecting students based on sexual orientation, gender identity, religion, race, color, national origin, sex, and disability.**

By Council Member Dromm.

**Whereas**, Tyler Clementi was an intelligent, talented, gay 18-year-old student who began his first year at Rutgers University in the fall of 2010; and

**Whereas**, Just weeks into that first year, Tyler took his own life on September 22, 2010 after learning that his college roommate filmed and broadcast over the Internet an otherwise private, intimate sexual encounter between Tyler and another man in their dorm room; and

**Whereas**, Tyler's suicide and the shameful invasion of privacy leading to it drew national attention to the problem of cyberbullying and harassment among college students; and

**Whereas**, According to a 2014 study by Carlos P. Zalaquett, Ph.D. and Seria Shia J. Chatters, Ph.D., "Cyberbullying in College: Frequency, Characteristics, and Practical Implications," one in five college students becomes a victim of cyberbullying and harassment; and

**Whereas**, According to a 2012 report by the Human Rights Campaign, lesbian, gay, bi-sexual and transgender students are nearly twice as likely as their peers to experience harassment based on their sexual orientation or gender identity; and

**Whereas**, There is currently no federal requirement that U.S. colleges and universities have policies in place protecting students and employees from cyberbullying or from other forms of harassment based on sexual orientation, or gender identity; and

**Whereas**, H.R. 2151/S.954, known as the Tyler Clementi Higher Education Anti-Harassment Act (the "Tyler Clementi Act"), was reintroduced by U.S. Senator Patty Murray (D-WA) and U.S. Representative Mark Pocan (D-WI) to recognize cyberbullying and other forms of harassment via electronic communications as serious issues among college students; and

**Whereas**, The Tyler Clementi Act would require institutions of higher education that receive federal funding to establish policies prohibiting harassment in all forms, including via electronic communications, based on sexual orientation and gender identity as well as religion, race, color, national origin, sex, and disability; and

**Whereas**, These policies would promote campus anti-harassment education, counseling and other resources that could lead to a decrease in cyberbullying and harassment in college communities and possibly save many potential victims' lives; and

**Whereas**, New York City is home to dozens of colleges, universities and institutions of higher learning that would benefit from the mandated policies and heightened awareness about harassment promoted under the Tyler Clementi Act; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R. 2151/S.954, the Tyler Clementi Higher Education Anti-Harassment Act, which would recognize cyberbullying as a form of harassment and require higher education institutions to enact anti-harassment policies protecting students based on sexual orientation, gender identity, religion, race, color, national origin, sex, and disability.

Referred to the Committee on Education.

Res. No. 149

**Resolution calling upon the New York City Department of Education not to punish students or parents for opting out of State exams; not to punish schools, principals or teachers if parents opt out of State exams; not to punish superintendents, principals or teachers for informing parents of the right to opt out of State exams; and to provide alternate activities for students who opt out of State exams.**

By Council Members Dromm and Levin.

**Whereas,** The federal No Child Left Behind Act (NCLB) enacted in 2002 required that schools annually administer State tests in English language arts (ELA) and mathematics in grades 3–8, and in science at least once during grades 3–5 and 6–9; and

**Whereas,** Since passage of NCLB, public school systems have spent growing amounts of time, money and energy on high-stakes standardized testing, in which student performance on standardized tests is used to make major decisions affecting individual students, educators and schools; and

**Whereas,** In December 2015, NCLB was replaced by the Every Student Succeeds Act (ESSA); and

**Whereas,** While ESSA allows states greater flexibility in determining school accountability measures, both academic and non-academic, it maintains the requirement that schools annually administer State ELA and math tests in grades 3–8, and in science at least once during elementary, middle, and high school; and

**Whereas,** Many educators assert that the overreliance on high-stakes standardized testing undermines educational quality and equity in U.S. public schools by hampering teachers' efforts to focus on the broad range of learning experiences that promote innovation, creativity, problem solving, and critical thinking; and

**Whereas,** Additionally, critics contend that the over-emphasis on standardized testing has resulted in narrowing of the curriculum, teaching to the test, reducing time for learning, pushing students out of school, driving excellent teachers out of the profession, and undermining school climate; and

**Whereas,** Further, some analysts maintain that high-stakes standardized testing has negative effects upon low-income students, English language learners, children of color, and those with disabilities; and

**Whereas,** It is widely recognized that standardized testing is an inadequate and often unreliable measure of both student learning and educator effectiveness; and

**Whereas,** According to the organization Time Out From Testing, high stakes testing in New York takes away approximately 25% of our children's academic school year, including test preparation, interim assessments, days of testing and grading; and

**Whereas,** Many parents believe that high stakes testing takes the joy out of school and learning for children and teaches them to resent school; and

**Whereas,** A growing number of parents nationwide are refusing to allow their children to take high-stakes standardized tests, also known as "opting-out"; and

**Whereas,** In New York City, several organizations such as Change the Stakes and Time Out From Testing have encouraged boycotts of standardized testing and the number of families opting-out of State exams has been increasing each year; and

**Whereas,** Notably, there have also been some high-profile instances of City elementary schools, including the Castle Bridge school in Washington Heights and the Brooklyn New School, where large numbers of parents have refused to allow their children to take tests, with the active support of sympathetic principals and teachers; and

**Whereas,** Although some states have statutory opt-out provisions, there are no such statutes in New York or other explicit regulations allowing or prohibiting opting-out and no requirement that schools provide alternative activities for students who refuse to take tests; and

**Whereas,** Moreover, according to the New York State Association of School Attorneys (NYSASA), there are potential consequences for students and districts when students fail to participate in state testing; and

**Whereas,** Under State and federal accountability rules, if less than 95% of a school's students or subgroups of students take the math or ELA assessments, the school faces consequences to be determined by the State; and

**Whereas,** Students can also be negatively affected, since districts may make determinations for promotion to the next grade or enrollment into honors courses or gifted and talented programs based, in part, on students' performances on state assessments; and

**Whereas,** Further, according to NYSASA, districts could prohibit students with unexcused absences on test days from participating in extracurricular clubs, athletics, or other school sponsored functions; and

**Whereas,** The New York City Department of Education (DOE) changed its promotion policy in 2014, so that State test scores may not be the primary or major factor in promotion decisions; instead promotion to the next grade will be based on a variety of measures of student progress, which may include course grades, samples of student writing, projects, assignments, and other performance-based student work; and

**Whereas,** Additionally, since March 2014, the DOE has distributed a parent guide that advises parents to first consult with their children's principal, and, if the parents still want to opt their child out of the exams, the guide states that "the principal should respect the parents' decision and let them know that the school will work to the best of their ability to provide the child with an alternate educational activity (e.g., reading) during testing times"; and

**Whereas,** Despite these policy and guidance changes, there is still widespread concern among students, parents and educators that they will face consequences for opting-out of State tests or encouraging others to do so; and

**Whereas,** There are anecdotal and press reports of mistreatment of parents and students by school personnel for opting-out of State tests; and

**Whereas,** In addition, some students who have refused to take State tests were reportedly denied the opportunity to participate in an alternate educational activity, such as reading silently, and instead were forced to sit and stare at the desk or wall for the duration of the exam; and

**Whereas,** Due to the ongoing use of test scores in accountability measures for schools, educators continue to face pressure and potential consequences when students refuse to take standardized tests; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Department of Education not to punish students or parents for opting out of State exams; not to punish schools, principals or teachers if parents opt out of State exams; not to punish superintendents, principals or teachers for informing parents of the right to opt out of State exams; and to provide alternate activities for students who opt out of State exams.

Referred to the Committee on Education.

Res. No. 150

**Resolution calling upon United States Food and Drug Administration to remove any blood donation restrictions based on sexual orientation.**

By Council Member Dromm.

**Whereas,** A ban on men who have had sex with other men (MSM) donating blood was enacted in 1983 by the United States Food and Drug Administration (FDA), when there was very little information on HIV/AIDS and even less information on care and treatment; and

**Whereas,** There have been significant advancements in science, technology and medical developments relating to HIV and AIDS over the last 35 years; and

**Whereas,** Several advanced testing methods for HIV can detect the presence of HIV in a donor's blood sample in approximately 7-10 days after infection; and

**Whereas,** Numerous public health groups including the American Red Cross, the American Association of Blood Banks, America's Blood Centers, the American Medical Association (AMA) and leading LGBT and HIV/AIDS organizations had urged that the FDA's lifetime restriction be revised; and

**Whereas,** The AMA has called for individual testing assessments instead of a blanket policy based on sexual orientation and has condemned the lifetime ban as "discriminatory"; and

**Whereas,** The New York Blood Center (NYBC) has alerted the public of several emergency blood shortages in New York in recent years; and

**Whereas,** In December 2015, the FDA finalized guidance for the industry, shifting from a complete ban on MSM to donate blood to a one-year deferral period since last male-to-male sexual contact; and

**Whereas,** The new deferral period essentially requires gay and bisexual men to remain celibate for a minimum of one year in order to donate blood, which in practicality prevents about half the blood donor population of sexually active gay men from donating; and

**Whereas,** The new FDA guidelines also address gender for the first time, stating that gender will be "self-identified and self-reported"; and

**Whereas,** Transgender advocates have found that in practice, this policy change does not provide clarification for potential transgender donors; and

**Whereas,** While the majority of men's health groups hailed the amendments in the new revised policy, they assert that these changes do not align with the latest developments in science; and

**Whereas,** GMHC, a New York City provider of HIV/AIDS prevention, care and advocacy alleges that the policy is based not on the actual risk assessments, but on other factors such as stigma, gender identity and sexual orientation; and

**Whereas,** An article released in the Journal of the American Medical Association states that a twelve month deferral is "equally arbitrary" to a lifetime ban and that sexual orientation should not be a disqualifier, but a component of an individualized risk assessment; and

**Whereas,** The FDA does not provide sufficient reasoning or data for how a one-year deferral period for MSM has been decided; and

**Whereas,** HIV testing methods, such as nucleic testing and antibody testing, are already in use to test every single blood sample before transfusion in the United States; and

**Whereas,** According to the Williams Institute at the University of California, Los Angeles, with a one year deferral period, an estimated 185,800 additional men are likely to donate, and this number would almost double to 360,600 in case of a complete lifting of the ban; and

**Whereas,** The Williams Institute estimates that lifting the ban on MSM donors could help save the lives of more than a million people; and

**Whereas,** Countries like Chile, Mexico, Italy, Portugal, Russia, Spain, Uruguay and South Africa all have no deferral periods based on sexual orientation, though their potential donors could be screened for high-risk sexual practices; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Food and Drug Administration to remove any blood donation restrictions based on sexual orientation.

Referred to the Committee on Health.

Res. No. 151

**Resolution calling upon the City University of New York (CUNY) to incorporate Diwali as an observed university holiday throughout the CUNY system.**

By Council Member Dromm.

**Whereas,** Diwali, a five-day festival, is one of the most important holidays on the Hindu calendar and is referred to as the "festival of lights"; and

**Whereas**, Diwali is celebrated on the 15th day of the Hindu month of Kartik, which occurs in either October or November; and

**Whereas**, Diwali generally celebrates the victory of good over evil, light over darkness, and knowledge over ignorance; and

**Whereas**, The Diwali celebration varies throughout India by geographical region and religion; and

**Whereas**, Diwali is observed by Hindus, Sikhs, Jains and some Buddhists; and

**Whereas**, According to the United States Census Bureau's latest American Religious Identification Survey in 2008, there were 582,000 Hindus, 78,000 Sikhs, and 1,189,000 Buddhists in the United States; and

**Whereas**, According to the Census Bureau's 2016 American Community Survey, there were 227,825 New York City residents who identified themselves as Asian Indian, of which many are adherents of Hinduism, Sikhism, Jainism, or Buddhism; and

**Whereas**, According to The Hindu American Foundation (HAF), a national non-profit advocacy organization for the Hindu American community, Diwali is celebrated by over two million people in the United States alone and by one billion people worldwide; and

**Whereas**, Other countries that celebrate Diwali include Australia, Bangladesh, Canada, Fiji, Guyana, Indonesia, Kenya, Malaysia, Mauritius, Myanmar (or Burma), Nepal, the Netherlands, New Zealand, Pakistan, Singapore, South Africa, Sri Lanka, Surinam, Tanzania, Thailand, Trinidad and Tobago, and the United Kingdom; and

**Whereas**, Diwali was first celebrated in the White House under President George W. Bush in 2003 following a long-standing demand by the Indian American community and continues to be recognized under President Obama's Administration; and

**Whereas**, In 2007, the United States House of Representatives passed a resolution recognizing the religious and historical significance of Diwali, and the United States Senate passed similar resolutions in 2011 and 2013; and

**Whereas**, Furthermore, the first-ever Congressional Diwali celebration was held in 2013; and

**Whereas**, In New York City, alternate side parking rules are suspended on this holiday; and

**Whereas**, Diwali, however, is not observed as a university holiday at The City University of New York (CUNY); and

**Whereas**, CUNY campuses are closed on a number of religious holidays, including Rosh Hashanah, Yom Kippur, Christmas, Good Friday, Easter and Passover; and

**Whereas**, CUNY's undergraduate student body reflects the diversity of New York City, which is comprised of various ethnic and cultural backgrounds from 216 countries, including several countries that celebrate Diwali; and

**Whereas**, CUNY prides itself in its continuing development of programs and policies designed to meet the academic and social needs of its diverse student body population, and therefore, should incorporate Diwali into the University's academic calendar; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the City University of New York (CUNY) to incorporate Diwali as an observed university holiday throughout the CUNY system.

Referred to the Committee on Higher Education.

Res. No. 152

**Resolution calling upon the City University of New York (CUNY) to incorporate Lunar New Year as an observed university holiday throughout the CUNY system.**

By Council Member Dromm.

**Whereas**, Lunar New Year, a 15-day celebration, is considered to be the most important and festive holiday of the year in the Asian community; and

**Whereas**, Lunar New Year is celebrated by Chinese, Korean, Vietnamese, and other Asian ethnic groups; and

**Whereas**, According to Columbia University, preparations for Lunar New Year festivities begin with tying up loose ends in anticipation for a fresh start in the New Year; and

**Whereas**, For businesses, Lunar New Year means balancing books, paying off old debts, and collecting on loans and charges still due; and

**Whereas**, For the individual, it means reflecting upon the misfortunes of the past and examining personal mistakes and failures in order to get rid of bad luck and negative attitudes of the past thereby leaving the individual with an optimistic approach for the future; and

**Whereas**, During this time, each household embraces a traditional cleansing for the purpose of warding off evil spirits that are hidden in clutter; and

**Whereas**, The exchanging of gifts and money are also common practices during Lunar New Year; and

**Whereas**, In New York City, alternate side parking is suspended and all public schools are closed in observance of Lunar New Year; and

**Whereas**, Despite Lunar New Year being the most important, festive, and longest holiday celebrated by billions of people around the world, including the United States, it is not recognized as a university holiday at the City University of New York (CUNY); and

**Whereas**, Currently, CUNY campuses are closed on a number of religious holidays, including Rosh Hashanah, Yom Kippur, Christmas, Good Friday, Easter, and Passover; and

**Whereas**, CUNY is the largest public urban university in the nation which provides high-quality education to approximately 270,000 degree-seeking students and over 248,000 adult, continuing and professional education students at 24 campuses throughout New York City; and

**Whereas**, Nineteen percent of CUNY's undergraduate students and 13.6 percent of CUNY's graduate and professional students identify themselves as Asian; and

**Whereas**, CUNY is praised for its continuing development of programs and policies designed to meet the academic and social needs of its diverse student body population, and for encouraging its students to experience cultural, educational and community-based opportunities, and therefore, the Lunar New Year holiday should be incorporated into the University's academic calendar; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the City University of New York (CUNY) to incorporate Lunar New Year as an observed university holiday throughout the CUNY system.

Referred to the Committee on Higher Education.

Res. No. 153

**Resolution calling upon the City University of New York (CUNY) to incorporate the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha as observed university holidays throughout the CUNY system.**

By Council Member Dromm.

**Whereas**, Eid Ul-Fitr and Eid Ul-Adha are considered to be significant holidays in the Muslim community; and

**Whereas**, Eid Ul-Fitr is a time of joy and thanksgiving that is celebrated at the completion of Ramadan and involves various celebrations and special services; and

**Whereas**, Eid Ul-Adha, or the "Feast of Sacrifice," is the second most important festival on the Muslim calendar, and is a day of remembrance; and

**Whereas**, The first day is the most important day of both Muslim holidays; and

**Whereas**, Pew Research Center estimates that there were about 3.45 million Muslims living in the United States (U.S.) in 2017, and that Muslims made up about 1.1% of the total U.S. population; and

**Whereas**, Muslim New Yorkers constitute approximately 3 percent of the City's population, or 270,000, according to the Museum of the City of New York website; and

**Whereas**, According to a number of research organizations, including Pew Research Center, Muslims represent one of the fastest growing religious communities in the City and around the globe; and

**Whereas**, Despite this growing population, Eid Ul-Fitr and Eid Ul-Adha are not recognized as university holidays at The City University of New York (CUNY); and

**Whereas**, Currently, CUNY campuses are closed on a number of religious holidays, including Rosh Hashanah, Yom Kippur, Christmas, Good Friday, Easter and Passover; and

**Whereas**, In New York City, alternate side parking is suspended in observance of the two Muslim holidays; and

**Whereas**, S.1560, sponsored by Senator Tony Avella, and A.4930, sponsored by Assembly Member David Weprin, would require the State University of New York (SUNY) and CUNY to observe the holidays Eid Ul-Fitr and Eid Ul-Adha; and

**Whereas**, CUNY is the largest public urban university in the nation with a student population of approximately 270,000 degree-seeking students and 248,000 adult, continuing and professional education students, whose ethnic and cultural backgrounds are represented by 216 countries; and

**Whereas**, CUNY prides itself in its continuing development of programs and policies designed to meet the academic and social needs of its diverse student body population, and therefore, should incorporate these two important Muslim holidays into the University's academic calendar; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the City University of New York (CUNY) to incorporate the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha as observed university holidays throughout the CUNY system.

Referred to the Committee on Higher Education.

Res. No. 154

**Resolution calling upon the 115th Congress to pass, and the President to sign, H.R. 2508, which would provide immigration judges with discretionary authority to determine that an immigrant parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.**

By Council Member Dromm.

**Whereas**, New York City is home to two immigration courts which, according to data from the U.S. Department of Justice (DOJ), are among the busiest immigration courts in the nation with nearly 78,000 cases pending as of April 2017;

**Whereas**, Immigration judges bear primary responsibility for the removal, deportation, and exclusion of individuals in the United States (U.S.); and

**Whereas**, Immigration judges are currently precluded from considering family unity as a factor in removal proceedings involving an individual who is the parent of a U.S. citizen child; and

**Whereas**, According to a 2016 fact sheet issued by the Migration Policy Institute, between the years 2009 and 2013, there were 5.1 million U.S. children under age 18 with at least one unauthorized immigrant parent; and

**Whereas**, Roughly 79% of those children were U.S. citizens; and

**Whereas**, According to a 2015 report by the Migration Policy Institute and the Urban Institute, U.S. Immigration and Customs Enforcement (ICE) did not track data regarding the deportation of parents of U.S. citizen children until 2010; and

**Whereas**, ICE reports that between July 2010 and September 2012 it deported 205,000 parents who claimed to have at least one U.S. citizen child and an additional 72,000 in 2013; and

**Whereas**, The American Immigration Council reported in a 2017 factsheet that, based on ICE data, experts believe that roughly half a million U.S. citizen children experienced the detention and deportation of at least one parent between 2011 and 2013; and

**Whereas**, The Migration Policy Institute projects that, in New York State, there are approximately 293,000 children with at least one undocumented parent with roughly 78% being U.S. citizens; and



**Whereas**, New York City is home to approximately 500,000 undocumented immigrants, many of whom have started families in the City and have U.S. citizen children; and

**Whereas**, Advocates believe that from October 2005 through December of 2010, the parents of 13,000 U.S. citizen children were detained in New York City by federal immigration and customs enforcement officials, with the majority of parents being deported; and

**Whereas**, Deportation forces the parent of a U.S. citizen child either to leave the child behind indefinitely, or to take the child to the parent's country of origin, which is often completely unfamiliar to, and unsafe for, the U.S. citizen child and which often lacks comparable economic and educational opportunities for the U.S. citizen child; and

**Whereas**, The current limitations on using family unity as a factor in determining the outcome of a removal proceeding regularly forces immigration judges to separate a parent from his or her U.S. citizen child without any regard for the child's citizenship status; and

**Whereas**, When U.S. citizen children are separated from a parent on account of deportation often face severe hardships such as limited economic and housing opportunities; and

**Whereas**, The Schuyler Center for Analysis and Advocacy reported in May 2017 that approximately 5,100 U.S. citizen children enter foster care annually because of parental deportation nationally; and

**Whereas**, In order to keep families together, Representative Jose E. Serrano introduced H.R. 2508, a bill that would authorize an immigration judge to decline to order the deportation of any individual who is the parent of a U.S. citizen child if the judge determines that the parent's removal would be against the child's best interest; and

**Whereas**, Providing immigration judges with this discretionary authority will encourage the preservation of families and maintain the physical, economic, and educational security of U.S. citizen children; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the 115th Congress to pass, and the President to sign, H.R. 2508, which would provide immigration judges with discretionary authority to determine that an immigrant parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States.

Referred to the Committee on Immigration.

Res. No. 155

**Resolution urging the United States Department of Homeland Security to end the practice of placing immigrant detainees in solitary confinement, except in emergency situations.**

By Council Member Dromm.

**Whereas**, The United States Immigration and Customs Enforcement ("ICE"), a division of the United States Department of Homeland Security, is charged with overseeing and providing for the care, custody, and control of immigration detainees; and

**Whereas**, According to ICE, New York City's only immigration detention facility, the Varick Federal Detention Facility, was closed in 2010; and

**Whereas**, Since the closure, advocates have stated that New York City immigrant detainees have been either moved to distant immigration detention centers or detained alongside criminals in state and local prisons; and

**Whereas**, While, according to ICE, immigration detention is supposed to be a civil, non-punitive measure to ensure detainees attend immigration court hearings and comply with court orders, disciplinary measures and segregation practices to which immigration detainees are subjected often emulate those used in criminal facilities, including the practice of placing individuals in solitary confinement; and

**Whereas**, According to ICE, there are 250 immigration detention facilities across the United States with a daily detainee population of approximately 33,000 immigrants; and

**Whereas,** According to the New York Times article "Immigrants Held in Solitary Cells, Often for Weeks" ("NYT Article") published in March of 2013, solitary confinement is a form of punishment used by detention officers in which an individual is isolated in a small cell and deprived of human contact and other sensory and intellectual stimulation for long periods of time and during which privileges and activities generally extended to the detained population such as phone calls, access to medical care, visitations, and recreation are restricted, if not entirely suspended; and

**Whereas,** A report of the Heartland Alliance's National Immigrant Justice Center and Physicians for Human Rights entitled *Invisible in Isolation: The Use of Segregation and Solitary Confinement in Immigration Detention* recorded instances in which detainees were placed in solitary confinement as a punitive response to trivial violations such as addressing a detention officer in a foreign language or possessing prohibited food items, to cover up discrimination and abuse within the detention facility, or to discourage complaints about detention conditions; and

**Whereas,** This report found that detainees who have been victims of assault, have mental health issues, or are lesbian, gay, bisexual, and transgender were disproportionately detained in solitary confinement because facilities cannot accommodate these populations and because officials claimed that solitary confinement offers protection unavailable in the general population of immigration detainees; and

**Whereas,** According to the NYT Article, approximately 300 immigrants are held in solitary confinement at the largest immigration facilities every day with almost half isolated for fifteen days or more and about thirty-five held in solitary confinement for 75 days or more; and

**Whereas,** These practices affect New York City immigrants and their families since, according to the 2010 United State Census, New York City is home to nearly three million immigrants, one of the largest immigrant populations in the nation; and

**Whereas,** According to the NYT Article, there is a lack of effective oversight or even uniform guidelines dictating when and for how long a facility may place an immigrant detainee in solitary confinement and little opportunity for immigrants to appeal such a decision; and

**Whereas,** Though the 2011 version of ICE's *Performance-Based National Detention Standards* recognizes and attempts to remedy deficiencies in the care of mentally ill immigration detainees, these individuals continue to be held in solitary confinement without an initial mental health evaluation and without regular quality mental health treatment; and

**Whereas,** According to the NYT Article immigrants placed in solitary confinement have little meaningful opportunity to appeal the placement since they, unlike criminal detainees, have no right to free, state-appointed legal counsel and have limited access to legal resources and lawyers generally encounter difficulties gaining access to detained immigrants, especially those in solitary confinement; and

**Whereas,** According to the NYT Article, experts say that individuals held in solitary confinement for fifteen days or more are at a heightened risk for serious mental health problems that may last long, if not permanently, after the individual is released from detention and that solitary confinement can cause severe psychological damage and may increase both violent behavior and suicide among detained immigrants; and **Whereas,** The NYT Article says that solitary confinement is especially harmful to immigration detainees because it can exacerbate mental health issues that arise from torture or abuse in their home countries, human trafficking, or the anxiety surrounding their immigration case; and

**Whereas,** Further, the NYT Article states that studies have found extremely high rates of anxiety, depression, and post-traumatic stress disorder among immigration detainees seeking asylum, exacerbated by the threat of and actual employment of solitary confinement; and

**Whereas,** Mental health afflictions arising from prolonged solitary confinement could impair a released detainees' social interaction, hampering their ability to successfully and safely reintegrate into New York City communities upon release from detention; and

**Whereas,** In September 2013, ICE released a new directive regarding the use of solitary confinement in ICE detention facilities; and

**Whereas,** The new policy would evaluate the use of solitary confinement and establish strict limits on the use of solitary confinement, especially among certain vulnerable populations; and

**Whereas,** Although this is a step in the right direction, immigrant detainees should not be placed in solitary confinement, except in emergency situations when someone has been physically harmed or threatened, and even then such confinement should only be for the shortest possible duration; now, therefore, be it

**Resolved,** That the Council of the City of New York urges the United States Department of Homeland Security to end the practice of placing immigrant detainees in solitary confinement, except for emergency situations.

Referred to the Committee on Immigration.

Res. No. 156

**Resolution calling upon the United States Department of Homeland Security to terminate the use of privately-run immigration detention facilities, as well as to limit the use of detention to only those individuals who pose an imminent threat to national security**

By Council Member Dromm.

**Whereas,** The United States Immigration and Customs Enforcement (ICE), a division of the United States of Department of Homeland Security (DHS), is charged with overseeing and providing for the care, custody and control of immigration detainees; and

**Whereas,** President Donald J. Trump’s Executive Order 13767, entitled, “Border Security and Immigration Enforcement Improvements,” issued on January 25, 2017, called for an expansion of immigrant detention facilities and authorized the use of private contractors to construct, operate or control facilities; and

**Whereas,** The United States already maintains the largest immigration detention infrastructure in the world, detaining approximately 380,000 to 442,000 persons per year; and

**Whereas,** The largest federal client of private prison companies is the DHS; and

**Whereas,** Increased use of immigration detention directly affects New York City immigrants and their families as, according to the 2010 United States Census, New York City is home to nearly three million immigrants, one of the largest immigrant populations in the nation; and

**Whereas,** Since 2009, congressional appropriations have conditioned DHS funding to the filling of a minimum number of immigration detention beds, commonly referred to as the “detention bed quota”; and

**Whereas,** This arbitrary quota set by Congress requires the detention of 34,000 at any given time, which costs taxpayers more than \$2 billion each year; and

**Whereas,** No other law enforcement agency in the United States is subject to a real or perceived quota for detainees; and

**Whereas,** The for-profit companies that currently run the majority of private prisons in the United States, including the Corrections Corporation of America (CCA) and the GEO Group, are also contracted to operate nine out of ten of the country’s largest immigration detention centers; and

**Whereas,** Courts have acknowledged that immigration detention is intended to be a non-punitive measure to ensure detainees attend immigration court hearings and comply with court orders; nevertheless, disciplinary measures and segregation practices to which immigration detainees are subjected often emulate those used in criminal facilities; and

**Whereas,** Despite being centers for administrative civil detention, there exist far too many parallels between immigration detention and the criminal prison system in structure, as well as the frequent reports of inhumane conditions and widespread guard and staff misconduct; and

**Whereas,** Immigrants’ rights groups nationwide report that private detention facilities often create significant obstacles for detainees seeking legal counsel and access to justice, despite the right to counsel in immigration proceedings and findings that detainees are significantly more likely to obtain immigration relief when represented by an attorney; and

**Whereas,** There are countless confirmed reports of instances where DHS and private contractors have deprived civil immigration detainees of their basic physical and legal rights; and

**Whereas,** As a result, there have been multiple lawsuits filed on behalf of detained or formerly detained immigrants for constitutional and human rights violations that occurred while in immigration detention facilities; and

**Whereas**, One such lawsuit filed by New York Lawyers for the Public Interest (NYLPI) on behalf of a group of formerly detained individuals challenged the failure to provide mental health discharge planning for individuals at the time of release from detention; and

**Whereas**, Through a series of interviews of current or former detainees with serious health conditions, NYLPI found that without discharge planning, individuals with mental illness often face an array of grave consequences when released from detention; and

**Whereas**, In Colorado, as many as 60,000 current and former immigration detainees may be eligible to join a class-action suit filed against one of the nation's largest private detention companies over forced, unpaid labor; and

**Whereas**, ICE has periodically updated its Performance-Based National Detention Standards, each time claiming the updates address medical and mental health services concerns, increase access to legal services and religious opportunities, improve communication with detainees with limited English proficiency, improve the process for reporting and responding to complaints, and increase recreation and visitation; and

**Whereas**, Despite these standards, facility compliance is inconsistent and loosely monitored and there remain countless reports of detainee rights violations; and

**Whereas**, There are few mechanisms to ensure facilities comply with ICE standards because they are not codified and, therefore, not legally enforceable; and

**Whereas**, Unlike government-run prisons and detention centers, privately-run institutions are not subject to the same reporting and transparency requirements, and thus operate outside the purview of public oversight and accountability; and

**Whereas**, Privately-run immigration detention centers have repeatedly proven themselves unfit or unwilling to meet proper and ethical standards of care; and

**Whereas**, Based on their investigations, the ACLU and Mother Jones concluded that privately-run prisons provide substandard services in comparison to federally-run prisons; and

**Whereas**, Prompted by these findings the United States Department of Justice (DOJ), while under President Obama's leadership, announced on August 18, 2016 that it would take affirmative steps to significantly reduce, and ultimately end, its use of private facilities to house detainees; and

**Whereas**, On February 21, 2017, after President Trump's inauguration, Attorney General Jeff Sessions rescinded this previous directive, signaling a major setback to restoring justice in the criminal justice detention system; and

**Whereas**, The GEO Group, a significant donor to President Trump's inaugural festivities, saw a sharp rise in the price of its stock offerings which had plummeted after the DOJ's August 2016 announcement; and

**Whereas**, Other for-profit detention corporations are likely to benefit greatly from the increased use of private detention facilities in both the criminal justice and immigration contexts; and

**Whereas**, Attaching a profit motive to detention undermines the cause of justice and fairness; and

**Whereas**, The DHS can no longer ignore the systemic violation of the human rights of immigrants in administrative, civil detention; therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Department of Homeland Security to terminate the use of privately-run immigration detention facilities, as well as to limit the use of detention to only those individuals who pose an imminent threat to national security.

Referred to the Committee on Immigration.

Res. No. 157

**Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation which designates as professional misconduct, engaging in sexual orientation change efforts by mental health care professionals upon patients under 18 years of age.**

By Council Member Dromm.

**Whereas,** The American Psychological Association (APA) defines a mental disorder as a "a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or developmental processes underlying mental functioning"; and

**Whereas,** Lesbian, gay, bisexual, and other orientations are not mental disorders; and

**Whereas,** Homosexuality has been documented in many different cultures and historical eras; and

**Whereas,** Findings by the APA reveal that the longstanding consensus of the health and mental health professions is that homosexuality is a normal and positive variation of human sexual orientation; and

**Whereas,** Research by the APA shows that gay men, lesbians, and bisexual individuals form stable, committed relationships and form families that are equivalent to heterosexual relationships and families in essential respects; and

**Whereas,** Therapies aimed at changing sexual orientation are referred to as curative, reparative, or conversion therapy; and

**Whereas,** Currently, minors can be forced to undergo conversion therapy by their parents and ministers who refuse to accept that they are gay; and

**Whereas,** A common technique used in curative therapies involves tying homosexual desires to emotional wounds in early childhood and, in some cases, to early sexual abuse; and

**Whereas,** According to the APA, all major national mental health organizations have officially expressed concerns about therapies promoted to modify sexual orientation; and

**Whereas,** For example, the American Psychoanalytic Association believes that efforts to repair an individual's sexual orientation are against the fundamental principles of psychoanalytic treatment and often result in substantial psychological pain; and

**Whereas,** The promotion of curative therapies reinforces stereotypes and contributes to a negative climate for the lesbian, gay, bisexual, and transgender (LGBT) community; and

**Whereas,** The Human Rights Campaign, the nation's largest LGBT rights organization, has reported significant evidence of harm to LGBT youth resulting from attempts to change their sexual orientation; and

**Whereas,** For example, LGBT youth whose families reject their sexual orientation are eight times more likely to have attempted suicide, six times more likely to report high levels of depression, three times more likely to use illegal drugs, and three times more likely to be at high risk for HIV and STDs; and

**Whereas,** An APA task force, Appropriate Therapeutic Responses to Sexual Orientation, released a 2009 report reviewing existing research on the efficacy of reparative therapy and found that there was very little methodologically sound research on sexual orientation change efforts and that it is unlikely these efforts would be able to reduce same-sex attraction; and

**Whereas,** The APA task force concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, and a feeling of being dehumanized; and

**Whereas,** According to the APA, beneficial responses by a therapist treating an individual who is troubled about his or her same-sex attraction include helping that person cope with social prejudice against homosexuality, and successfully resolving issues associated with and resulting from internal conflicts; and

**Whereas,** Furthermore, mental health professional organizations, such as the APA, call on their members to respect a person's right to self-determination; be sensitive to a client's race, culture, ethnicity, age, gender, gender identity, sexual orientation, religion, socioeconomic status, language, and disability status when working with that client; and eliminate biases based on these factors; and

**Whereas,** In November 2017, the Council passed Int. No. 1650, which prohibited any person from charging consumers for services intended to change a person's sexual orientation or gender identity; and

**Whereas,** California became the first state in the nation to enact legislation that would prohibit dangerous and discredited efforts by licensed mental health providers to change the sexual orientation of minor patients; and

**Whereas,** This ban was upheld by the 9th U.S. Circuit Court of Appeals in 2013 and again in 2016 with the U.S. Supreme Court declining to hear both cases; and

**Whereas,** The law provides that any sexual orientation change efforts attempted on a patient under 18 years of age by a mental health professional shall be considered unprofessional conduct and shall subject the provider to discipline by the provider's licensing entity; and

**Whereas,** Penalties for misconduct could range from temporary censorship and reprimand to the revoking of a license, up to \$10,000 in fines and community service; and

**Whereas,** New York State should not permit licensed mental health professionals to practice therapies that have been proven harmful and should take action to prohibit these harmful and discriminatory practices; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation which designates as professional misconduct, engaging in sexual orientation change efforts by mental health care professionals upon patients under 18 years of age.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 158

**Resolution reaffirming the people's right to peaceful protest.**

By Council Member Dromm.

**Whereas,** The right to peaceful protest is a central tenet of our democracy; and

**Whereas,** The First Amendment to the United States Constitution protects this principle by prohibiting the government from abridging the “right of the people peaceably to assemble, and to petition the government for a redress of grievances;” and

**Whereas,** The New York State Constitution also enshrines the “rights of the people peaceably to assemble and to petition the government, or any department thereof;” and

**Whereas,** The United States was founded on an action of political protest, when in December 1773, a group of our forefathers spoke out against the Tea Act and the colonists’ lack of representation in the British Parliament by storming British ships docked in Boston Harbor and throwing 46 tons of tea overboard; and

**Whereas,** One of the most successful, compelling, and powerful movements in United States history, the Civil Rights movement, was bolstered by various acts of political protest and resistance, including sit ins, demonstrations, rallies, and the 200,000 person march to Washington D.C., which led to the successful passage of the Civil Rights Act of 1964; and

**Whereas,** The Vietnam War protests throughout the 1960s and 1970s, brought together men, women, artists, faith-based groups and leaders, students, and communities of color, to join in vocal opposition to the war and, arguably, played a critical role in the eventual end to the U.S.’s involvement in the conflict; and

**Whereas,** New Yorkers have a long, rich history of engaging in a wide range of political expression through the use of marches, demonstrations, sit-ins, rallies, economic and other boycotts, pickets, protests, strikes, and other similar measures; and

**Whereas,** The streets of New York City have always served as a movable platform and protesters have proudly protested in a variety of places across the city, including Central Park, Union Square, Times Square, Tompkins Square Park, Foley Square, Washington Square, John F. Kennedy International Airport, Federal Plaza, St. Patrick’s Cathedral, Chinatown, the United Nations, Brooklyn Bridge, and Grand Central Station; and

**Whereas,** New Yorkers have frequently exercised their right to protest and express political dissent in order to join and lead important local and international movements, including efforts to end wars, denounce police brutality, reject racism and injustice, combat AIDS, support women’s reproductive rights, resist tuition hikes, advocate for LGBTQ rights, welcome immigrants to the city, and protest against local, state, and federal legislation and executive orders; and

**Whereas,** One of the largest political protests in American history took place in New York City’s Central Park on June 12, 1982, when roughly one million people gathered to call for nuclear disarmament and an end to the arms race during the Cold War; and

**Whereas,** In January 2017, an estimated 400,000 protesters marched through the avenues of Midtown Manhattan for the Women’s March, joining the biggest day of protest in U.S. history; and

**Whereas**, In response to President Trump’s Travel Ban in January 2017, thousands of New Yorkers, including faith leaders, immigrants, and local advocates, gathered at JFK International Airport, in front of Brooklyn Borough Hall, at Battery Park, and at Cadman Plaza, in front of the U.S. District Court for the Eastern District of New York, to protest the immigration ban; and

**Whereas**, Some of New York’s most prominent politicians have also engaged in political protest, including Mayor Bill de Blasio, who boycotted the St. Patrick’s Day Parade in New York City in 2014 and 2015 because of its policy of prohibiting gay groups from marching openly, and Governor Andrew Cuomo who, together with Mayor de Blasio, announced in March 2016 a ban on non-essential travel by public officials to the state of North Carolina, after the state passed a law that was widely regarded as homophobic and transphobic; and

**Whereas**, Political protest is an important tool given to the people, which increases political investment and participation, calls attention to important issues, gives agency back to local communities, especially communities of color and those that are typically underrepresented and disenfranchised, and provides a check by the people on the government; and

**Whereas**, Multiple jurisdictions across the country have introduced measures that would endanger the right to political protest by: criminalizing otherwise constitutionally protected protests, expanding the emergency powers of the state to limit peaceful protests and sanction citizens for exercising constitutionally protected rights, requiring protesters to pay for the costs of routine police functions, treating peaceful protests as a form of racketeering, and allowing for the seizure of assets of individuals involved in organizing a constitutionally protected protest; and

**Whereas**, Such measures, limiting and even endangering the right to peaceful protest, go against the heart of the Constitution and the principles this country and democracy were founded on; and

**Whereas**, The Council proudly stands by New York City’s rich history of embracing the constitutionally protected right to express political and other opinions, both positive and negative, through individual and organized protest, and believes that the protection of protest is essential to a constitutional democracy; now, therefore, be it

**Resolved**, That the Council of the City of New York affirms the people’s right to peaceful protest.

Referred to the Committee on Public Safety.

Res. No. 159

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation which would return control of the subway and bus system to the City of New York.**

By Council Member Dromm.

**Whereas**, Most of the subway system that exists today in New York City was built and originally operated by three separate entities: two private companies, the Interborough Rapid Transit Company and Brooklyn-Manhattan Transit Corporation, and the City via its Independent Subway System; and

**Whereas**, The entire system came under direct City control in 1940, under the auspices of the Board of Transportation; and

**Whereas**, In 1953, the Board of Transportation was replaced by the New York City Transit Authority, which was comprised of members appointed by both the Governor and the Mayor; and

**Whereas**, In 1968, the State transferred control of both the New York City Transit Authority and the Triborough Bridge and Tunnel Authority to the Metropolitan Transportation Authority (MTA); and

**Whereas**, The MTA is governed by a 17-member board, with all members of the board appointed by the Governor and confirmed by the State Senate; and

**Whereas**, Of the 17 board members, four are recommended by the Mayor of New York City, one is recommended by each of the county executives of Nassau, Suffolk, Westchester, Dutchess, Orange, Rockland, and Putnam counties (with the members representing the latter four counties casting one collective vote), and the remaining six, including the Chairman & Chief Executive Officer, are chosen by the Governor; and

**Whereas**, As a recent *New York Times* report put it, historically, the MTA's governance structure has allowed State elected officials "both to wield enormous influence over the region's transportation system, and to avoid blame and responsibility when things go wrong"; and

**Whereas**, By many accounts, both the subway and bus systems are facing significant challenges, with subway delays increasing and bus ridership declining; and

**Whereas**, According to a recent NY1/Baruch College poll, more New Yorkers blame the Mayor for problems with the subway system than blame the Governor; and

**Whereas**, In order to improve accountability for the quality of bus and subway service and make management of the system more responsive to city residents, the City government should regain direct control of the subways and buses; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation which would return control of the subway and bus system to the City of New York.

Referred to the Committee on Transportation.

Res. No. 160

**Resolution calling on the State Legislature to enact and for the Governor to sign A.1018 and S.2888, which would amend the State Vehicle and Traffic law to include "electric assisted" bicycles in the definition of bicycles and thus permit their use**

By Council Members Espinal, Rodriguez and Chin.

**Whereas**, The New York State Traffic and Vehicle Law ("VTL") allows only "motor vehicles" to be registered with the State Department of Motor Vehicles ("DMV"); and

**Whereas**, Bicycles are excluded from the DMV registration requirements because they are defined as devices that are propelled by human power; and

**Whereas**, "Electric assisted" bicycles ("e-bikes") do not fall within the State definition of bicycles and are not considered motor vehicles; and

**Whereas**, State law effectively prohibits the operation of e-bikes; and

**Whereas**, Safety concerns have been raised about the use of e-bikes; and

**Whereas**, Despite safety concerns, "electric assisted" bicycles have increasingly become a preferred means of making deliveries in the City; and

**Whereas**, Proponents for e-bikes argue that e-bikes have potential economic and environmental benefits because they improve working conditions of commercial cyclists and reduce the reliance on motor vehicles; and

**Whereas**, State legislation (A.1018 by Assemblyman David F. Gantt and S.2888 by Senator Martin Malavé Dilan) would amend the New York State Vehicle and Traffic law to include e-bikes in the State definition of bicycles and thus permit their use; and

**Whereas**, If adopted, the State legislation would limit e-bikes to having a power output of "no more than seven hundred fifty watts" and speed of no more than twenty miles per hour; and

**Whereas**, New York City is seeing rapid diversification in its transportation infrastructure, including greater use of conventional and electric bicycles for both recreational and commercial purposes; and

**Whereas**, E-bikes can make a positive contribution to the health and economic well-being of the City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the State Legislature to enact and for the Governor to sign A.1018 and S.2888, which would amend the State Vehicle and Traffic law to include "electric assisted" bicycles in the definition of bicycles and thus permit their use.

Referred to the Committee on Transportation.



Int. No. 482

By Council Member Gibson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of correction establish a crisis intervention program**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended to add a new section 9-153 to read as follows:

*§ 9-153 Crisis intervention program.*

*a. Definitions. When used in this section the following terms shall have the following meanings:*

*"CIT officer" means a member of the department of correction who has completed crisis intervention training.*

*"Crisis" means any situation in which an inmate that is or is suspected of being mentally ill creates a disturbance, refuses to follow the instruction of a correction officer, engages in violent or tumultuous activity, or otherwise acts in such a manner that justifies intervention by a correction officer.*

*"Crisis intervention team" means a unit consisting of at least one CIT officer and one mental health professional.*

*"Crisis intervention training" means a minimum of forty hours of specialized instruction on responding to crises within a department of correction facility. This training shall encompass issues specific to problems encountered by the mentally ill in a jail environment, crisis resolution skills, and communications skills and de-escalation training specific to addressing the issues of the mentally ill.*

*"Mental health professional" means an employee or contractor of the department of health and mental hygiene who has received crisis intervention training.*

*b. The commissioner of correction in conjunction with the department of health and mental hygiene shall establish a crisis intervention program to address crises. Such program shall establish protocols to improve responses to crises, including protocols to utilize crisis intervention teams to address frequently encountered issues with mentally ill inmates, including but not limited to situations in which mentally ill inmates refuse to leave their cell or refuse to follow officer's commands.*

*c. It shall be the policy of the department to utilize crisis intervention teams to address crises. There shall be at least one crisis intervention team available in any facility in which the department could reasonably foresee that a crisis could occur, at any time during which the department could reasonably foresee that a crisis could occur.*

*d. The commissioner of correction shall meet with the department of health and mental hygiene on an annual basis to review the crisis intervention program and update program protocols as necessary.*

*e. Reporting. The commissioner of correction shall post on the department website on an annual basis the following information for the previous year:*

*1. The number of correction officers and the number of non-correction officers who received crisis intervention training, and the total number of departmental and non-departmental employees who have received such training.*

*2. The number of crisis intervention teams utilized by the department.*

*3. The number of crises responded to by crisis intervention teams, in total and disaggregated by facility.*

*4. The number of crises responded to by crisis intervention teams per 100 inmates during the previous year, in total and disaggregated by facility.*

*5. The number of crises responded to without a crisis intervention team, in total and disaggregated by facility.*

*6. The number of crises responded to without a crisis intervention team per 100 inmates during the previous year, in total and disaggregated by facility.*

*§ 2. This local law takes effect six months after it becomes law.*

Referred to the Committee on Criminal Justice.

## Int. No. 483

By Council Member Gibson

**A Local Law to amend the administrative code of the city of New York, in relation to limiting the shelter capacity of council districts**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-323 to read as follows:

§ 21-323 *Limit on shelter capacity of council districts. a. Definitions. For the purposes of this section the following terms have the following meanings:*

*Capacity. The term “capacity” means the number of shelter beds provided for individual homeless single adults and the number of shelter units provided for homeless adult families and families with children.*

*Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.*

*b. The department shall limit the shelter capacity of each council district within the city of New York to no more than fifteen percent of the total shelter capacity of the borough where such council district is located. The department shall not renew any shelter contract or similar agreement if the council district where such shelter is located has more than fifteen percent of the total shelter capacity of the borough where such council district is located.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

## Int. No. 484

By Council Members Gibson and Cabrera.

**A Local Law to amend the New York city charter, in relation to establishing a mobile trauma unit**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 13-e to read as follows:

§ 13-e. *Mobile trauma division. a. Definitions. As used in this chapter, the following terms have the following meanings:*

*Coordinator. The term “coordinator” means the mobile trauma division coordinator.*

*Service provider. The term “service provider” means any non-government organization, funded in whole or in part by the city, or any agency under the jurisdiction of the mayor, that provides social services to crime victims, including but not limited to case management, crisis intervention, legal services, restorative justice, emergency or transitional shelter, permanent housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation, public benefits, domestic and family matters safety planning, job training and economic empowerment, immigration advocacy or other services which may be offered to crime victims, provided, however, that social services shall not be construed to include the provision of services by first responders in response to public safety incidents.*

*Shooting violence victim. The term “shooting violence victim” means a person who is close to a death from gun violence either by interpersonal relationship or physical proximity.*

*b. The mayor shall establish a mobile trauma division. Such division may, but need not, be established in the executive office of the mayor, or may be established as a separate office within any other office of the mayor,*

*or within any department, the head of which is appointed by the mayor. Such office shall be headed by a coordinator who shall be appointed by the mayor or the head of such department.*

*c. Powers and duties. The coordinator shall have the power and the duty to provide for the fast delivery of trauma services to shooting violence victims from varied service providers in the event of a death from gun violence.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 485

By Council Members Gibson and Torres.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on persons who have been permanently excluded from public housing**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

*SUBCHAPTER 7  
REPORTS RELATED TO PUBLIC HOUSING*

*§ 3-170 Definitions.*

*§ 3-171 Reports on permanent exclusions.*

*§ 3-170 Definitions. As used in this subchapter:*

*Permanent exclusion. The term “permanent exclusion” means, with respect to a person, that such person has been permanently barred from entering or residing in public housing by the New York City Housing Authority.*

*Public housing. The term “public housing” has the meaning ascribed to such term in section 1437a of title 42 of the United States code.*

*§ 3-171 Reports on permanent exclusions. a. The New York City Housing Authority shall submit to the mayor and the council, and make publicly available online, quarterly reports related to permanent exclusions. Such reports shall include, at a minimum, the following information, for each person who has, at any time on or after the effective date of the local law that added this section, been permanently excluded:*

*1. The age, gender and ethnicity of such person;*

*2. The date such permanent exclusion commenced;*

*3. The basis for such permanent exclusion;*

*4. A statement as to whether the basis for such permanent exclusion involved:*

*(a) A drug-related offense and, if so, the type of drug involved;*

*(b) A violent crime and, if so, the type of crime;*

*(c) Domestic violence;*

*(d) An arrest of such person and, if so, whether such permanent exclusion was sought before conviction of such person for the offense underlying such arrest;*

*5. A statement as to whether such permanent exclusion was the result of (i) a final decision of a hearing officer in a termination of tenancy proceeding or (ii) a stipulation of settlement in a termination of tenancy proceeding; and*

*6. A statement as to whether such permanent exclusion was removed and, if so, the date of such removal.*

*b. Such information shall be made publicly available in a non-proprietary format that permits automated processing.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Housing.

Int. No. 486

By Council Member Gibson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to use evidence based identification techniques**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

§ 14-175 *Identification procedures. a. Definitions. As used in this section, the following terms have the following meanings:*

*Administrator. The term “administrator” means a member of service employed by the department that conducts an identification procedure.*

*Double blind. The term “double blind” means an identification procedure in which neither the administrator nor the eyewitness knows the identification of the suspect in such procedure.*

*Identification procedure. The term “identification procedure” means a lineup or photo array.*

*b. Identification procedure. In conducting an identification procedure, the administrator shall:*

- 1. Instruct the witness orally or in writing about the details of the identification procedure;*
- 2. Advise the witness that: (a) the person who committed the crime may or may not be in the identification procedure; (b) the witness will be required to provide a statement of confidence at the conclusion of the identification procedure; (c) the individual may not appear exactly as they did on the day of the incident; (d) the administrator of the identification procedure does not know who the suspect is; (e) the witness is not obligated to make an identification; and (f) upon completion of the identification procedure, that the witness shall not discuss the procedure with other individuals involved in the case;*

*3. If a positive identification is made: (a) elicit from the witness a statement of confidence indicating how certain the witness is of the identification prior to any confirmation of the identification; and (b) document the witness statement; and*

*4. Prepare documentation of (a) any identification procedure with a color photograph; (b) the date, time, location and people present in the viewing room with the witness and suspect; and (c) any statements or physical reactions made by the witness during the identification procedure.*

*c. Double blind. All identification procedures will be conducted in a double blind fashion, unless in extraordinary circumstances in which conducting a double blind procedure is not feasible. If the identification procedure is not double blind, the administrator will document the reasons why it was not feasible.*

*d. Reporting. The department shall post on the department website by January 30 of each year a report containing information pertaining to the use of double blind identification procedures for the prior calendar year. Such annual report will include, but not be limited to, the following information:*

- 1. The number of identification procedures conducted, in total and disaggregated by the type of procedure;*
- 2. The number of lineups and photo arrays conducted, disaggregated by whether such lineups were conducted in a double blind fashion; and*
- 3. The reasons why any lineups and photo arrays that were not conducted in a double blind fashion were so conducted.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

## Int. No. 487

By Council Member Gibson

**A Local Law to amend the administrative code of the city of New York, in relation to creating comprehensive reporting and oversight of NYPD surveillance technologies**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

*§ 14-175. Annual surveillance reporting and evaluation.*

*a. Definitions. As used in this section, the following terms have the following meanings:*

*Surveillance technology. The term “surveillance technology” means equipment, software, or system capable of, or used or designed for, collecting, retaining, processing, or sharing audio, video, location, thermal, biometric, or similar information, that is operated by or at the direction of the department. Surveillance technology does not include:*

- 1. routine office equipment used primarily used for departmental administrative purposes;*
- 2. parking ticket devices;*
- 3. technology used primarily for internal department communication; or*
- 4. cameras installed to monitor and protect the physical integrity of city infrastructure*

*Surveillance technology impact and use policy. The term “surveillance technology impact and use policy” means a written document that includes the following information:*

- 1. a description and capabilities of a surveillance technology;*
- 2. rules, processes and guidelines issued by the department regulating access to or use of such surveillance technology as well as any prohibitions or restrictions on use, including whether the department obtains a court authorization for each use of a surveillance technology, and what specific type of court authorization is sought;*
- 3. safeguards or security measures designed to protect information collected by such surveillance technology from unauthorized access, including but not limited to the existence of encryption and access control mechanisms;*
- 4. policies and/or practices relating to the retention, access, and use of data collected by such surveillance technology;*
- 5. policies and procedures relating to access or use of the data collected through such surveillance technology by members of the public;*
- 6. whether other entities outside the department have access to the information and data collected by such surveillance technology, including: (a) whether the entity is local, state, federal or private; (b) the type of information and data that may be disclosed; and (c) any safeguards or restrictions imposed by the department on the entity regarding the use or dissemination of the information collected by such surveillance technology;*
- 7. whether any training is required by the department for an individual to use such surveillance technology or access information collected by such surveillance technology,*
- 8. a description of internal audit and oversight mechanisms within the department to ensure compliance with the surveillance technology impact and use policy governing the use of such surveillance technology; and*
- 9. any tests or reports regarding the health and safety effects of the surveillance technology.*

*b. Publication of surveillance technology impact and use policy. The department shall propose a surveillance technology impact and use policy and post such proposal on the department’s website, at least 90 days prior to the use of new surveillance technology.*

*c. Existing surveillance technology. For existing surveillance technology as of the effective date of this section, the department shall propose a surveillance impact and use policy and post such proposal on the department’s website within 180 days of the effective date.*

*d. Addendum to surveillance technology impact and use policies. When the department seeks to acquire or acquires enhancements to surveillance technology or uses such surveillance technology for a purpose or manner not previously disclosed through a surveillance technology impact and use policy, the department shall provide*

*an addendum to the existing surveillance technology impact and use policy describing such enhancement or additional use.*

*e. Upon publication of the any proposed surveillance technology impact and use policy, the public shall have 45 days to submit comments on such policy to the commissioner.*

*f. The commissioner shall consider public comments and provide the final surveillance technology impact and use policy to the council and the mayor, and shall post it to the department's website at most 45 days after the close of the public comment period, pursuant to subdivision d of this section.*

*§ 2. Chapter 34 of the New York city charter is amended by adding a new section 809 to read as follows:*

*§ 809. Surveillance technology impact and use policy. a. For the purposes of this section, the following terms have the following meanings:*

*"Inspector general for the police department" means the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of this chapter.*

*b. The inspector general for the police department shall prepare annual audits of surveillance technology impact and use policies as defined in section 14-175 of the administrative code that shall:*

*1. assess whether the New York city police department's use of surveillance technology, as defined in section 14-175 of the administrative code, complies with the terms of the surveillance technology impact and use policy;*

*2. describe any known or reasonably suspected violations of the surveillance technology impact and use policy, including but not limited to complaints alleging such violations made by individuals pursuant section 803(c)(6) of this chapter; and*

*3. publish recommendations, if any, relating to revisions of the surveillance technology impact and use policy.*

*§ 3. This local law takes effect immediately.*

Referred to the Committee on Public Safety.

Int. No. 488

By Council Member Gibson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on interrogation procedures**

*Be it enacted by the Council as follows:*

Section 1. Section 14-150 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. The department shall publish on the department's website and provide to the council an annual report regarding interrogation procedures for the prior calendar year. Such annual report shall include, but not be limited to, the following information:*

*1. the number of arrests for offenses requiring video recording of interrogations pursuant to section 60.45 of the criminal procedure law, in total and disaggregated by precinct;*

*2. the number of custodial interrogations at a detention facility of suspects of offenses requiring video recording of interrogations pursuant to section 60.45 of the criminal procedure law;*

*3. the number and rate of recorded custodial interrogations at a detention facility of suspects of offenses requiring video recording of interrogations pursuant to section 60.45 of the criminal procedure law, in total and disaggregated by precinct;*

*4. the number of custodial interrogations at a detention facility of suspects of offenses requiring video recording of interrogations pursuant to section 60.45 of the criminal procedure law that were not recorded, in total and disaggregated by the reason or reasons such interrogation was not recorded.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Public Safety.

Int. No. 489

By Council Member Gibson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring landlords leasing commercial space for certain uses to provide to the tenant a certificate of occupancy and to disclose any liens, fines, or encumbrances that affect title, use or physical condition of the property or the interest of the lessee**

*Be it enacted by the Council as follows:*

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

*CHAPTER 11  
COMMERCIAL LEASE DISCLOSURES*

*§ 22-1101 Commercial lease disclosures related to auto body shops. a. Definitions. For the purposes of this chapter, the following terms have the following meanings:*

*Department. The term “department” means the New York city department of small business services.*

*Encumbrance. The term “encumbrance” means anything that affects title, use or physical condition of the property or the interest of the lessee, including, but not limited to, leases, mortgages, judgments, encroachments, easements and restrictive covenants.*

*b. Provision of documents. During a lease negotiation and before the signing of the final lease agreement, any landlord in a commercial lease transaction involving an existing site where automobiles are serviced, greased, or repaired or an existing site intended to be used for such purposes must provide to any lessee a copy of the most recent certificate of occupancy and must disclose in writing to the lessee the existence of any liens, fines or encumbrances that affect title, use or physical condition of the property or the interest of the lessee.*

*c. Education and outreach. The department shall establish and engage in outreach and education efforts that are tailored to small business owners engaged in auto body repair.*

*1. Such outreach and education shall concern issues that are likely to affect business owners engaged in auto body repair, including, but not limited to, appropriate certificates of occupancy; commercial leases; and relevant licenses, certifications and laws.*

*2. The department shall commence the outreach and education required by this section by June 1, 2018.*

*3. The department shall produce educational materials for such outreach and education and shall make those materials available on its website and through in-person classes. The department shall provide those materials in English, French, Arabic and the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning.*

*§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of small business services may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.*

Referred to the Committee on Small Business.

Preconsidered Int. No. 490

By Council Member Gibson and the Speaker (Council Member Johnson).

**A Local Law to the administrative code of the city of New York, in relation to time frames for runaway and homeless youth shelter services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended to add new section 21-407 to read as follows:

§ 21-407 *Time frames for runaway and homeless youth shelter services. a. The department shall require that runaway youth and homeless youth are provided with shelter services pursuant to the following time frames:*

1. *Consistent with section 532-b of the executive law, a runaway youth aged 14 or older receiving shelter services in a residential runaway and homeless youth crisis services program shall be provided with shelter services in such program on a voluntary basis for up to 60 days, or up to 120 days if the runaway youth and such youth's parent, guardian or custodian agree in writing that such youth may remain in such program, or consistent with section 420 of the executive law, beyond such time limits if the office of children and family services is notified in writing within 60 days.*

2. *Consistent with section 532-d of the executive law, a homeless youth receiving shelter services in a transitional independent living support program shall be provided with shelter services in such program for up to 24 months, or consistent with section 420 of the executive law, beyond 24 months limit if the homeless youth entered the transitional independent living support program under the age of 21 and the office of children and family services is notified in writing within 60 days.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Youth Services (preconsidered but laid over by the Committee on Youth Services).

Int. No. 491

Council Members Gibson and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to an advisory board on crossing guard deployment.**

*Be it enacted by the Council as follows:*

Section 1. Section 14-118 is amended to add a new subdivision d to read as follows:

*d. Advisory board on crossing guard deployment. 1. There shall be an advisory board ("the board") to advise the commissioner concerning matters related to the deployment of crossing guards as provided for in this section.*

2. *The board shall be comprised of the commissioner, or his or her designee; the commissioner of the department of transportation, or his or her designee; and the commissioner of the department of education, or his or her designee.*

3. *No member of the board shall be removed except for cause and upon notice and hearing by the appropriate appointing official.*

4. *Members of the advisory board shall serve without compensation and shall meet no less often than every three months.*

5. *The actions of the advisory board shall include, but not be limited to:*

(a) *an assessment of the optimal headcount and station locations of crossing guards in New York City, including but not limited to, an evaluation of traffic patterns, shifting populations, and the needs of particular schools and programs.*

(b) *specific recommendations for changes and/or improvements, if any, to crossing guard deployment, including, but not limited to, optimal headcount and station locations.*

6. *The board shall hold at least one public meeting prior to issuance of the report pursuant to paragraph 7 of this section shall be open to the public, provided however that such meeting is no sooner than three months prior to the date of the issuance of such report. The department shall notify the public as to the time, place and subject of such meeting.*



7. *The board shall report its findings and recommendations on or before March first, two thousand sixteen, and thereafter in biannual reports, and submit such reports to the mayor, the commissioner and the speaker of the council. Such report shall include, but not be limited to:*

*(a) an assessment of the optimal headcount and station locations of crossing guards in New York City and proposed actions to be taken by the department in response to recommendations.*

§2. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 492

By Council Members Gibson and Powers

**A Local Law to require the department of correction to conduct a survey related to inmate identification**

*Be it enacted by the Council as follows:*

Section 1. Within 6 months of the effective date of this local law, the department of correction shall conduct a survey regarding inmate identification, or ensure that such survey is conducted. Such survey shall address, but not be limited to, the following issues regarding inmates released from departmental custody:

a. The number and percentage of inmates who possess governmental identification and the types of identification such inmates possess.

b. The number and percentage of inmates who physically possess some form of picture-based governmental identification upon their release from departmental custody, and the number and percentage of such inmates who possess such identification but do not have immediate access to such identification.

c. The number and percentage of inmates who do not possess any governmental identification and who: 1. state an interest in obtaining such identification; 2. state an interest in assistance with applying for such identification; 3. have access to the resources sufficient to obtain a New York city identification card as defined in section 3-115 of the administrative code, or would have had ability to gain access to such materials while incarcerated given the resources available to inmates during their period of incarceration; 4. received governmental benefits while in custody that can only be accessed outside custody with proper identification; and 5. have attempted or will be attempting to apply for governmental or private benefits that require proper identification.

d. The number and percentage of inmates who possess some form of governmental identification but do not possess any picture-based governmental identification and who: 1. state an interest in obtaining such identification; 2. state an interest in assistance with applying for such identification; 3. have access to the resources sufficient to obtain a New York city identification card as defined in section 3-115 of the administrative code, or would have had ability to gain access to such materials while incarcerated given the resources available to inmates during their period of incarceration; 4. received governmental benefits while in custody that can only be accessed outside custody with proper identification; and 5. have attempted or will be attempting to apply for governmental or private benefits that require proper identification.

e. The number and percentage of inmates with a permanent address.

§ 2. The department of correction shall provide a summary of the survey required pursuant to section one of this local law within 9 months of the effective date of this local law. Such summary shall include recommendations regarding the measures the department or service providers working within departmental facilities can take to facilitate inmate access to governmental identification, including the feasibility, projected costs, and targeted population of such measures.

Referred to the Committee on Criminal Justice.

## Res. No. 161

**Resolution calling upon the New York State Legislature to mandate that the New York State Education Department include intimate partner abuse awareness and prevention programs in all public middle school and high school athletic programs.**

By Council Member Gibson.

**Whereas**, According to the United States Center for Disease Control and Prevention (CDC), dating violence is a type of intimate partner violence that occurs between two people in a close relationship and can include, but not limited to, physical, emotional or sexual abuse or stalking; and

**Whereas**, While dating and sexual abuse can affect women and men regardless of their age, teens and young women are especially vulnerable; and

**Whereas**, The CDC reports that one in eleven adolescents say they have been the victim of physical dating violence; and

**Whereas**, According to the Family Violence Prevention Fund one in five tweens-age 11 to 14- say their friends are victims of dating violence and nearly half who are in relationships know friends who are verbally abused; and

**Whereas**, According to the NYC High School Youth Risk Behavior Survey of 2011, in 2011, 10.4% of male and female high school students reported being hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend within the past year; and

**Whereas**, The New York City Mayor's Office to Combat Domestic Violence (MOCDV) notes that in 2010, nearly 1,100 individuals between the ages of 17 and 21, and 54 youth under the age of 16 filed family offense petitions in New York State Family Courts as victims of violence in an "intimate relationship" (expanded in 2008 by legislation to include dating relationships in which the partners have no children and are not married); and

**Whereas**, In addition, a March 2014 New York Daily News article states that according to recent findings, teen boys who played football or basketball are twice as likely to admit abusing a girlfriend; and

**Whereas**, These statistics indicate that more needs to be done to educate youth about healthy relationships; and

**Whereas**, Unhealthy relationships have long-term negative effects on emotional and physical well-being; and

**Whereas**, The CDC reports that youth who are victims are more likely to experience symptoms of depression and anxiety as well as engage in unhealthy behaviors such as using drugs and alcohol; and

**Whereas**, Furthermore, victims might exhibit antisocial behaviors and think about suicide; and

**Whereas**, Some researchers believe that sports participation which encourages aggressive behaviors needs to be countered with education and tools to learn how to avoid these behaviors from spilling over in everyday life; and

**Whereas**, Healthy relationship education is an essential component to the full development of young adults; now, therefore, be it

**Resolved**, that the New York City Council calls upon the New York State Legislature to mandate that the New York State Education Department include intimate partner abuse awareness and prevention programs in all public middle school and high school athletic programs.

Referred to the Committee on Education.

## Res. No. 162

**Resolution calling on the New York State Legislature to pass and Governor to sign legislation requiring New York State Homes and Community Renewal to collect succession rights data from property owners and release a summary of the statistics to the public.**

By Council Member Gibson.

**Whereas**, New York State Homes and Community Renewal (HCR) is the state agency responsible for administering rent regulation in New York City; and

**Whereas**, Rent regulation, which includes rent control and rent stabilization, protects tenants from steep rent increases, unwarranted evictions, and requires an owner to provide services and repairs; and

**Whereas**, According to the 2014 Housing Vacancy Survey, there are 1,030,000 rent regulated units in New York City; and

**Whereas**, Rent regulated units comprise most of the City's affordable housing; and

**Whereas**, In some cases, a family member can legally remain in a rent-regulated unit when the leaseholder permanently leaves; and

**Whereas**, Under New York State law, a family member can claim succession rights for a rent-regulated unit by residing in the same apartment for at least two consecutive years (or one year if the primary tenant is disabled or a senior) before the primary tenant permanently vacates or passes away; and

**Whereas**, State regulations defines a family member as a tenant's spouse, son, daughter, stepson, stepdaughter, father, mother, stepmother, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, or daughter-in-law; and

**Whereas**, A person who is residing with the tenant of record may qualify for succession rights as a non-traditional family member by demonstrating emotional, financial commitment and interdependence with the tenant of record, according to State regulations and

**Whereas**, Persons can claim succession rights by notifying the property owner, through a letter or an HCR form, that the tenant of record is no longer residing in the apartment; and

**Whereas**, Claimants may keep a copy of the succession rights notice, but the property owner can challenge statements made on the notification; and

**Whereas**, A successor tenant maintains the same housing rights and privileges as the previous tenant; and

**Whereas**, HCR does not publish data on succession rights or other rent regulation policies, making it difficult to determine if the process is meeting the policy's goals; and

**Whereas**, To determine the volume and efficacy of succession rights applications, HCR will need to collect data from property owners on the number of tenants that requested succession rights, the number of requests that were accepted and denied, and the reason for such denials; and

**Whereas**, With this data, HCR can evaluate the current process to identify areas for improvement, identify appropriate measures to assess the program, obtain a baseline of the current operations, and monitor the effects of any changes to the program; and

**Whereas**, Publishing a quarterly report on this data can serve the public good and improve the administration of tenants requesting succession rights and other affordable housing programs; and

**Whereas**, HCR should make this information available to the public through HCR's website; and

**Whereas**, If such information was made available, the public could assess the process and outcomes of the policy and could help HCR prioritize its resources, review whether the process is serving the policy's goals, and make recommendations for new policies or processes to help New Yorkers who need affordable housing; now, therefore be it

**Resolved**, That the Council of the City of New York calls upon New York State Legislature to pass and Governor to sign legislation requiring New York State Homes and Community Renewal to collect succession rights data from property owners and release a summary of the statistics to the public.

Referred to the Committee on Housing and Buildings.

## Res. No. 163

**Resolution urging the Governor to sign into law A5667A/S4769A, in relation to gravity knives.**

By Council Member Gibson.

**Whereas**, Major retailers throughout New York State such as Walmart, Lowes, Ace Hardware, AutoZone, Benjamin Moore Paint, Dicks Sporting Goods, and Paragon Sports, as well as smaller local hardware stores sell thousands of folding knives that are designed and marketed as tools, not as illegal gravity knives; and

**Whereas**, Pursuant to Penal Law § 265.01(1), possessing a “gravity knife” is a Class A misdemeanor that carries a penalty of up to one year in jail; and

**Whereas**, Under P.L. § 265.02(1) if an alleged possessor of a gravity knife has ever previously been convicted of any felony or misdemeanor, possession is deemed a Class D felony, punishable by up to 7 years in prison; and

**Whereas**, While gravity knives are illegal under the current law, the NYPD does not arrest retailers who possess and sell folding knives, but have arrested tens of thousands of New Yorkers who purchase them; and

**Whereas**, In 2010 the New York County District Attorney’s Office (DANY) entered into deferred prosecution agreements with New York County retailers that were selling common folding knives that DANY claimed were illegal gravity knives; and

**Whereas**, Although the retailers were selling folding knives, not the gravity knives originally banned by the New York State Legislature, the retailers agreed to pay a total of 1.9 million dollars to defer prosecution; and

**Whereas**, None of the store managers or owners were arrested for possessing and selling what prosecutors and the NYPD considered illegal weapons; and

**Whereas**, Common folding knives continue to be available at major retailers and local hardware stores throughout New York City; and

**Whereas**, According to NYPD data, 86% of those arrested for possessing folding knives and charged with gravity knife possession in violation of Penal Law § 265.01(1) are black or Latino; and

**Whereas**, Such enforcement creates a disparity whereby NYPD treats folding knives as tools when displayed on the shelves of major retailers, but disproportionately as illegal weapons once in the hands of black and Latino New Yorkers; and

**Whereas**, According to NYPD arrest data, from 2000 to 2012, the police department made 69,999 arrests for alleged violations of Penal Law § 265.01(1), which criminalizes possession of a host of weapons including gravity knives; and

**Whereas**, The Legal Aid Society estimates that between 4,000 and 5,000 people are arrested in New York City every year for carrying a folding knife; and

**Whereas**, According to a 6-month sample of criminal complaints analyzed by The Legal Aid Society, less than 2% of those arrested for criminal possession of a gravity knife were charged with intent to use the knife unlawfully against another; and

**Whereas**, Folding knives are regularly used by construction workers, electricians, stockpersons, handymen, and other tradesmen professions; and

**Whereas**, While almost all prosecutors in New York State stopped bringing gravity knife prosecutions under the current statute, New York City has not; and

**Whereas**, The District Attorneys Association of the State of New York, acknowledged that prosecutors outside of New York City have never prosecuted a gravity knife case or at least not prosecuted a gravity knife case in 30 years; and

**Whereas**, In New York city, police and prosecutors categorize ordinary folding knives as illegal gravity knives; and

**Whereas**, The NYPD employs a wrist-flick test to determine whether a knife constitutes an illegal gravity knife; and

**Whereas**, If a police officer can force a folding knife open with the flick of a wrist, a defendant is considered guilty of gravity knife possession, even though the knife is not designed to open in that manner; and

**Whereas**, More importantly, often the hinge on regular folding knives loosens overtime, which may cause the knife to open with a flick of the wrist; and

**Whereas**, A5667A/S4769A sponsored by Assembly Member Dan Quart and Senator Diane Savino, would amend Penal Law § 265.01 to redefine “gravity knife”; and

**Whereas**, A5667A/S4769A has passed in both the New York State Assembly and the New York State Senate; and

**Whereas**, Pursuant to A5667A/S4769A, gravity knives are defined as “any knife which has a blade which is released from the handle or sheath *solely* by the force of gravity when released” and is “locked in place by means of a button, spring, lever or other device”; and

**Whereas**, A5667A/S4769A would also remove the reference to the “application of centrifugal force” from the definition, ending the subjective wrist flick test and preventing ordinary knives from being deemed as illegal gravity knives; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the Governor to sign into law A5667A/S4769A, in relation to gravity knives.

Referred to the Committee on Public Safety.

Int. No. 493

By Council Member Grodenchik

**A Local Law to amend the administrative code of the city of New York, in relation to diversity programming at senior centers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-208 to read as follows:

*§ 21-208 Diversity programming at senior centers. a. The commissioner shall require each senior center to conduct a survey of the languages spoken by seniors within a one-mile radius of such center every three years. The format and distribution of such survey shall be determined by the department.*

*b. The commissioner shall require each senior center to develop and conduct specific programming for seniors in each language spoken by 20 percent or more of the seniors responding to the survey required by subdivision a of this section. Such programming shall be culturally responsive to the communities represented by each program. For purposes of this section, “culturally responsive” means including cultural and ethnic events relevant to linguistic communities.*

§ 2. This local law shall take effect 120 days after enactment, except that the commissioner of the department for the aging may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Aging.

Int. No. 494

By Council Members Grodenchik and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to inactive construction sites**

*Be it enacted by the Council as follows:*

Section 1. Article 116 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.13 to read as follows:

**§ 28-105.13 Inactive construction site registry.** *The commissioner shall establish and maintain a registry identifying inactive construction sites, as defined in this section. Such registry shall be made publicly available on the website of the department.*

**§ 28-105.13.1 Inactive construction site.** *As used in section 28-105.13, the term “inactive construction site” means a construction site for which a permit has expired or a construction site for which there is an unexpired permit but no construction activity is visible on the site on two consecutive inspections by the department within a 30 day period, where such inspections occur between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., not including a major holiday.*

**§ 28-105.13.2 Inspection; safety conditions.** *Upon identifying an inactive construction site:*

1. *The commissioner shall notify the owner of such construction site within seven days after such site has been identified as an inactive construction site. Such notice shall (i) inform the owner that the owner may appeal such identification, (ii) describe the process for making such an appeal and (iii) set forth the date by which such an appeal must be made, which shall be no less than 30 days after such notice and no more than 60 days after such notice.*
2. *Within 30 days after expiration of the time for making such an appeal, the commissioner shall conduct an inspection of such site to identify any safety conditions at such site and whether such site poses a safety risk to the public or a risk of damage to adjacent properties. If the commissioner is unable to obtain access to such site from the owner after making at least two attempts on separate days, where such attempts occur between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., not including a major holiday, the commissioner shall prepare an affidavit documenting each unsuccessful attempt to gain such access and the amount of time which has passed since such site was last inspected and shall transmit such affidavit to the corporation counsel together with any additional documents the commissioner deems relevant and a request that the corporation counsel seek an order from a court of competent jurisdiction directing that appropriate access to such site be granted to the commissioner. The corporation counsel shall promptly consider such request and, where the corporation counsel determines that there is appropriate basis to obtain such an order, shall seek such an order. The commissioner shall promptly execute any such order in accordance with its terms.*
3. *Within seven days after completion of such inspection, the commissioner shall notify the owner of the results of such inspection and shall order the correction of any unsafe condition identified that poses a safety risk to the public or a risk of damage to adjacent properties, provided that, if the commissioner identifies any conditions that pose an immediate risk to property or safety during such inspection, the commissioner shall immediately notify the owner and order correction of such conditions.*

**§ 28-105.13.3 Fees.** *The commissioner shall establish and impose fees upon owners of inactive construction sites to cover the cost of administering section 28-105.13, including but not limited to costs associated with conducting site inspections, providing appropriate notices, seeking access orders and maintaining the inactive inspection site registry.*

**§ 28-105.13.4 Removal from inactive construction site registry.** *The owner of any site identified by the commissioner as an inactive construction site pursuant to section 28-105.13.2 which does not pose a safety risk to the public or a risk of damage to adjacent properties may apply to the commissioner to determine that such site is no longer an inactive construction site and to remove such site from the registry required by section 28-105.13. Such application shall be in a form and manner determined by the commissioner. Within 60 days after receipt of a valid application, the commissioner shall conduct two inspections to*

*confirm that construction activity has commenced. Such inspections shall not be on consecutive days and shall occur between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., and not including a major holiday. If the commissioner finds construction activity occurring at each such inspection, the commissioner shall remove such site from such registry.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 495

By Council Member Grodenchik.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of an energy efficiency program for businesses**

*Be it enacted by the Council as follows:*

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

*CHAPTER 12*

*ENERGY EFFICIENCY PROGRAM FOR BUSINESSES*

*§ 22-1201 Energy efficiency program for businesses.*

*§ 22-1202 Eligible energy efficiency measures.*

*§ 22-1201 Energy efficiency program for businesses. a. Definitions. As used in this chapter, the term “eligible violation” means (i) a violation which is set forth in rule by the departments of sanitation, fire, health and mental hygiene or consumer affairs as eligible for the energy efficiency program for businesses, (ii) a violation enforced by the department of consumer affairs and issued for a failure to comply with any provision of the code or the rules of the city of New York, regarding creating or maintaining records, the display of prices, the accuracy of scanners, or the posting of signage, (iii) a violation enforced by the department of sanitation and issued for a failure to comply with any provision of the code or the rules of the city of New York, regarding source separation, the recycling of designated materials or the posting of signage, and (iv) a violation of any provision of the code or the rules of the city of New York, which the mayor, or an office or agency designated by the mayor, deems eligible.*

*b. The mayor, or an office or agency designated by the mayor, shall develop an energy efficiency program for businesses. Such energy efficiency program shall allow a business owner who receives an eligible violation or violations to have the civil penalties for such violations waived or reduced where such business owner enters into a regulatory agreement with the mayor, or an office or agency designated by the mayor, requiring such business owner to undertake eligible energy efficiency measures. Civil penalties shall be reduced to an amount equal to the amount of money such business owner spends to undertake such energy efficiency measures. Where a business owner has received more than one eligible violation, such business owner may couple the civil penalties for such violations in an amount not to exceed \$3,000 for the purposes of undertaking energy efficiency measures.*

*c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found to not be in compliance with such agreement shall have the original civil penalty or penalties reinstated and doubled.*

§ 22-1202 *Eligible energy efficiency measures.* The mayor, or an office or agency designated by the mayor, shall create a list of energy efficiency measures, which business owners may undertake as part of the energy efficiency program for businesses. Such energy efficiency measures shall include, but need not be limited to, the following:

- (1) Energy efficient upgrades, including building shell improvements, lighting upgrades, installing energy efficient office equipment, installing energy efficient appliances, installing refrigerated display case curtains or doors, installing double or triple panel windows, and installing programmable thermostats; and
- (2) For buildings that do not exceed 25,000 gross square feet, benchmarking, undergoing energy audits, and undertaking retro-commissioning measures.

§ 2. This local law takes effect 180 days after it becomes law, except that the office or agency designated by the mayor may take such actions as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

Res. No. 164

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.5324, which would require the New York City Department of Transportation to allow New York City homeowners to repair curbs adjacent to their sidewalk and receive a tax credit for the cost of the repair.**

By Council Member Grodenchik.

**Whereas**, In New York City, the curb is where the roadbed meets the sidewalk and is raised to divide the sidewalk from the roadway; and

**Whereas**, Curbs are considered part of the roadway and the City of New York is responsible for their repair and maintenance; and

**Whereas**, The New York City Department of Transportation (DOT) defines a sidewalk to mean, “the portion of the street, whether paved or unpaved, between the curb lines, or lateral lines of a roadway and the adjacent property lines intended for use of pedestrians;” and

**Whereas**, Pursuant to New York City law, private property owners are required to repair and maintain sidewalks adjacent to their property; and

**Whereas**, According to the *New York Daily News*, requests to fix broken curbs outnumber the resources available to fix them and property owners are forced to wait years for curb repairs; and

**Whereas**, In February of 2017, Assembly Member David Weprin introduced A.5324, which would permit a homeowner to repair the curb adjacent to their property if DOT is unable to complete the curb repair in ninety days and the homeowner would be eligible to receive a property tax credit for the cost of completing the repair; now, therefore be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.5324, which would require the New York City Department of Transportation to allow New York City homeowners to repair curbs adjacent to their sidewalk and receive a tax credit for the cost of the repair.

Referred to the Committee on Finance.

Res. No. 165

**Resolution condemning the repeal of Federal Communications Commission regulations requiring Internet Service Providers to obtain consumer consent before using or sharing sensitive consumer information and calling on the New York State Legislature to pass and the Governor to sign A.7191-**



**B/S.5603-B, which would require all Internet Service Providers offering services to New York State customers to keep all customer information confidential unless written consent is provided by the customer**

By Council Member Koo.

**Whereas**, On October 27, 2016, the Federal Communications Commission (FCC) adopted rules that required broadband Internet Service Providers (ISPs) to protect the privacy of their customers (the FCC's rules); and

**Whereas**, The FCC's rules would have required ISPs to obtain permission from their customers before sharing private information, such as app usage, location data and browsing history; and

**Whereas**, The FCC's rules also would have required ISPs to provide customers with detailed notice about the information they were collecting, the entities with whom it was being shared, and the way it was being used; and

**Whereas**, Most importantly, the FCC's rules would have given customers the option to change their privacy preferences; and

**Whereas**, Prior to these rules taking effect, on March 23, 2017, the United States Senate, and on March 28, 2017, the United States House of Representatives, voted on and passed S. J. Res. 34, a resolution sponsored by Arizona Senator Jeff Flake, disapproving the FCC's rules; and

**Whereas**, On April 3, 2017, President Donald J. Trump signed S. J. Res. 34, now known as Public Law No. 115-22, repealing the FCC's rules; and

**Whereas**, The FCC rules were repealed under the Congressional Review Act which prohibits the FCC from restoring rules once they are repealed under the terms of the Act; and

**Whereas**, As a result of the repeal of the FCC's rules, ISPs may sell customer's online information; and

**Whereas**, Within days of the repeal of the FCC's rules, a number of State bills were introduced to protect customer's privacy and regulate how ISPs can utilize and share customer information; and

**Whereas**, A.7191-B, sponsored by Assemblymember Monica P. Wallace, currently pending in the New York State Assembly, and companion bill S.5603-B, sponsored by New York State Senator David Carlucci, currently pending in the New York State Senate, seek to require all ISPs offering services to New York State customers to keep all customer information confidential unless written consent is provided by the customer; now, therefore, be it

**Resolved**, That the Council of the City of New York condemns the repeal of FCC regulations requiring Internet Service Providers to obtain consumer consent before using or sharing sensitive consumer information and calls on the New York State Legislature to pass and the Governor to sign A.7191-B/S.5603-B, which would require all internet service providers offering services to New York State customers to keep all customer information confidential unless written consent is provided by the customer.

Referred to the Committee on Technology.

Int. No. 496

By Council Member Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to conduct on-site reviews of stoop line stand license applications, and to repeal section 20-239 of the administrative code of the city of New York, relating to approving stoop line stands**

*Be it enacted by the Council as follows:*

Section 1. Section 20-239 of the administrative code of the city of New York is REPEALED, and a new section 20-239 is added to read as follows:

§ 20-239 Approval. *a. The commissioner may not issue or renew a stoop line stand license unless the commissioner has received a written confirmation from the department of transportation that the issuance or renewal of such license will not affect pedestrian safety adversely and will not pose an obstruction to the free use of sidewalks by pedestrians.*

*b. In order to provide such confirmation, the department of transportation shall:*

- 1. Conduct an on-site analysis of pedestrian traffic volume for each application for a stoop line stand license or for a renewal of such a license; and*
- 2. Prepare a report on its findings.*

*c. The report shall contain the data used to reach its findings and a description of the methodology used. The commissioner shall forward a copy of each report and the corresponding license issuance or renewal application to the council member and community board in whose district the stoop line stand exists or is proposed to be located within five days of receiving it.*

*d. Notwithstanding anything in this subchapter to the contrary, if the department of transportation determines that a stoop line stand which is permitted to extend more than four feet in width pursuant to section 20-237 will adversely affect pedestrian safety or will pose an obstruction to the free use of sidewalks by pedestrians solely because the width of such stoop line stand exceeds four feet, the commissioner may certify or renew such license at a width of four feet if such certification is otherwise warranted.*

§ 2. This local law takes effect 270 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 497

By Council Members Koo, Chin and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Lunar New Year's Eve**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York is amended to read as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, *the day before the Asian Lunar New Year*, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, and all state and national holidays.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 498

By Council Member Koslowitz

**A Local Law to amend the administrative code of the city of New York, in relation to requiring food vendors to post prices**

*Be it enacted by the Council as follows:*

Section 1. Section 17-314 of subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. Post the total selling price for each food item offered for sale from any vehicle or pushcart used in the operation of a food vending business. Such posting shall be displayed in print or digital format. It shall be unlawful for a food vendor to charge more than the total amount displayed on such vehicle or pushcart.*

§2. This local law shall take effect 120 days after it becomes law, provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including the adoption of any necessary rules.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 499

By Council Member Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing corporations, partnerships and other business entities to obtain newsstand licenses**

*Be it enacted by the Council as follows:*

Section 1. Section 20-228 of the administrative code of the city of New York is amended by adding two new subdivisions g and h, to read as follows:

*g. Emancipated child. Any daughter, son, step-daughter or step-son who is at least eighteen years of age and who is financially independent.*

*h. Unemancipated child. Any daughter, son, step-daughter or step-son who is under the age of eighteen, unmarried and living in the same household.*

§ 2. Section 20-229 of the administrative code of the city of New York, as amended by local law 64 for the year 2003, is amended to read as follows:

§ 20-229 License required. *a. No person shall [maintain or] operate a newsstand or newsstands unless licensed pursuant to this subchapter, and unless [the operation of the newsstand is his or her principal employment]such person has no other income, excluding investment income, which exceeds the income such person earns from the operation of the newsstand or newsstands; provided, however, that if such person is a corporation, partnership, limited liability company or other association, only one shareholder of such corporation, one partner of such partnership, one member of such limited liability company or one principal of such other association, respectively, must have no other income, excluding investment income, which exceeds the income such person earns from the operation of the newsstand or newsstands; and provided further, that if such shareholder, partner, member or principal is the child of the persons authorized to operate a newsstand, such child must be an emancipated child. No license shall be issued to [an individual]a person for the operation of a newsstand that is not a replacement newsstand and that has been constructed and installed by a franchisee pursuant to a franchise unless such operator has reimbursed such franchisee for the costs of construction and installation of such newsstand as determined by the department in accordance with paragraph two of subdivision c of section [20-241.1]20-241 of the code.*

*b. 1. No person shall be issued more than two licenses to operate a newsstand pursuant to this subchapter.*

*2. For purposes of determining the number of licenses held by a person pursuant to paragraph 1 of this subdivision, the following provisions shall apply:*

*(a) A natural person shall be deemed to hold the license issued in the name of such natural person's unemancipated child, a partnership in which such natural person is a partner, a corporation in which such natural person is an officer, director or shareholder, or a limited liability company in which such natural person is a member, manager or officer.*

*(b) A corporation shall be deemed to hold the license issued in the name of:*

*(1) An officer, director or shareholder of such corporation;*

*(2) Another corporation where such corporation and such other corporation share a common officer, director or shareholder, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such other corporation;*

*(3) A limited liability company where such corporation or any of its officers, directors or shareholders is a member, manager or officer of such limited liability company, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such limited liability company; or*

*(4) A partnership where such corporation or any of its officers, directors or shareholders is a partner in such partnership, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such partnership.*

*(c) A limited liability company shall be deemed to hold the license issued in the name of:*

*(1) A member, manager or officer of such limited liability company;*

*(2) Another limited liability company where such limited liability company and such other limited liability company share a common member, manager or officer, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such other limited liability company;*

*(3) A corporation where such limited liability company or any of its members, managers or officers is an officer, director or shareholder in such corporation or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such corporation; or*

*(4) A partnership where such limited liability company or any of its members, managers or officers is a partner in such partnership, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such partnership.*

*(d) A partnership shall be deemed to hold the license in the name of:*

*(1) A partner of such partnership;*

*(2) Another partnership where such partnership is a partner in such other partnership, such partnership and such other partnership share a common partner, or such partnership or any of its partners has any direct or indirect interest in such other partnership;*

*(3) A corporation where such partnership or any of its partners is an officer, director or shareholder in such corporation, or such partnership or any of its partners has any direct or indirect interest in such corporation; or*

*(4) A limited liability company where such partnership or any of its partners is a member, manager or officer in such limited liability company, or such partnership or any of its partners has any direct or indirect interest in such limited liability company.*

§ 3. Section 20-241 of the administrative code of the city of New York is REPEALED.

§ 4. Section 20-241.1 of the administrative code of the city of New York is renumbered section 20-241.

§ 5. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 500

By Council Member Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to revoking a food vending license for certain violations.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 17-317 of title 17 of the Administrative Code of the city of New York is hereby amended to read as follows:

f. Any person issued a food vendor license pursuant to this subchapter who commits three or more violations of the provisions of this subchapter and any rules promulgated thereunder within a two year period shall have

his or her food vendor license revoked[.]; *provided however, any person issued a food vendor license pursuant to this subchapter who is found to have violated section 89.25 of the health code of the city of New York two or more times within a twelve month period shall have his or her food vendor license revoked.*

§2. This local law shall take effect immediately.

Referred to the Committee on Health.

Int. No. 501

By Council Member Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to exempting licensed plumbers from registering with the business integrity commission**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 16-505 of chapter one of title sixteen-a of the administrative code of the city of New York is amended to read as follows:

b. It shall be unlawful for any person to remove, collect or dispose of trade waste that is generated in the course of operation of such person's business, or to operate as a trade waste broker, without first having registered with the commission. Nothing in this subdivision shall be construed to require registration with the commission of (i) a commercial establishment required to provide for the removal of waste pursuant to section 16-116 of this code in order for such establishment to remove recyclable materials generated in the course of its own business to a location owned or leased by such establishment for the purpose of collecting or storing such materials for sale or further distribution; (ii) an owner or managing agent of a building in order to remove recyclable materials generated by commercial tenants within such building to a central location within such building for the purpose of collecting or storing such materials for sale or further distribution; [or] (iii) an owner of an establishment required to provide for the removal of waste pursuant to section 16-116 of this code in order to transport beverage containers, as such term is defined in section 27-1003 of the environmental conservation law, or any other recyclable material generated in the course of operation of its own business, to a redemption center, as such term is defined in section 27-1003 of such law, or to any other place where payment will be received by the commercial establishment for such materials; *or (iv) a master plumber licensed pursuant to section 28-408.1 of this code who is engaged in the removal or opening of the pavement of a public street pursuant to a permit issued by the commissioner of the department of transportation in accordance with section 19-102 of this code.* Notwithstanding any other provision of this subdivision, a business granted an exemption from the requirement for a license pursuant to subdivision a of this section shall be thereupon issued a registration pursuant to this subdivision.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 502

By Council Member Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to the replacement of all uncovered street litter baskets**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-132.1 to read as follows:

*§ 16-132.1 Replacement of uncovered street litter baskets. Within ten years of the effective date of this section, the commissioner shall replace or require the replacement of all uncovered litter baskets, containers and receptacles placed in a publicly accessible place by the department or its authorized agent for the public disposal of litter, with baskets, containers or receptacles that are designed to prevent litter that has been placed inside from overflowing onto the public location where such basket, container or receptacle has been placed.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 503

By Council Members Koslowitz and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing fines for the depositing of residential or commercial refuse into public litter baskets.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 16-120 of the administrative code of the city of New York is amended to read as follows:

f. Any person violating the provisions of this section, except subdivision e, shall be liable for a civil penalty of not less than twenty-five nor more than one hundred dollars for the first violation, not less than one hundred dollars nor more than two hundred dollars for a second violation within any twelve-month period, and not less than two hundred dollars nor more than three hundred dollars for a third or subsequent violation with any twelve-month period. Any person violating the provisions of subdivision e of this section shall be liable for a civil penalty of [not less than one hundred dollars nor more than three hundred] *two hundred* dollars for the first violation, [not less than two hundred fifty dollars nor more than three hundred fifty] *five hundred* dollars for a second violation within any twelve-month period, and [not less than three hundred fifty dollars nor more than four hundred] *six hundred* dollars for a third or subsequent violation within any twelve month period. *A third or subsequent violation shall be a class a misdemeanor.*

§2. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 504

By Council Member Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to temporary parking restriction permits**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-103.1 to read as follows:

*§ 19-103.1 Permits related to temporary parking restrictions. a. Notwithstanding any other local law or rule, the commissioner may issue temporary parking restriction permits, provided, however, that any temporary parking restriction permit related to building construction may only be in effect from 7 a.m. to 6 p.m., and if an after-hours variance permit is obtained from the department of buildings, during the hours specified in such variance permit. The permittee shall be responsible for posting such temporary parking restriction at least 48 hours before such temporary parking restriction takes effect.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 505

By Council Member Koslowitz

**A Local Law to amend the administrative code of the city of New York, in relation to the placement of newsracks near taxi stands**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 6 of subdivision b of section 19-128.1 of chapter 1 of title 19 of the administrative code of the city of New York is amended to read as follows:

6. A newsrack shall not be placed, installed or maintained: (a) within fifteen feet of any fire hydrant; (b) in any driveway or within close proximity of any driveway; (c) in any curb cut designed to facilitate street access by disabled persons or within two feet of any such curb cut; (d) within close proximity of the entrance or exit of any railway station or subway station; (e) within any bus stop; (f) within a crosswalk area; (g) within a corner area or within five feet of any corner area; (h) on any surface where such installation or maintenance will cause damage to or will interfere with the use of any pipes, vault areas, telephone or electrical cables or other similar locations; (i) on any cellar door, grating, utility maintenance cover or other similar locations; (j) on, in or over any part of the roadway of any public street; (k) unless eight feet of sidewalk width is preserved for unobstructed pedestrian passage; (l) in any park or on any sidewalk immediately contiguous to a park where such sidewalk is an integral part of the park design, such as the sidewalks surrounding Central Park or Prospect Park; (m) on any area of lawn, flowers, shrubs, trees or other landscaping or in such a manner that use of the newsrack would cause damage to such landscaping; (n) *within three feet ahead or 25 feet to the rear of any designated taxi stand*; or [(n)] (o) where such placement, installation or maintenance endangers the safety of persons or property. Any limitation on the placement or installation of newsracks pursuant to this paragraph shall be no more restrictive than necessary to ensure the safe and unobstructed flow of pedestrian and vehicular traffic, and otherwise to assure the safety of persons and property.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of the department of transportation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Transportation.

Int. No. 506

By Council Member Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to the limitation on parking of mobile homes and trailers on residential streets**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-170.1 to read as follows:

§ 19-170.1 Limitation on parking of mobile homes and trailers. a. Definitions. As used in this subchapter, the following terms shall have the following meanings:

*Mobile home.* The term “mobile home” shall have the same meaning as set forth in section 122-c of the vehicle and traffic law or any successor provision.

*Trailer.* The term “trailer” shall have the same meaning as set forth in section 156 of the vehicle and traffic law or any successor provision.

*Residential street.* The term “residential street” shall mean those streets, or parts thereof, which are unmeted where there is one or more residential units.

b. When parking is not otherwise restricted, it shall be a violation for a person to park a mobile home or trailer in excess of three hours on a residential street.

c. Notwithstanding the foregoing, it shall be a violation for a person to park a mobile home or trailer on a residential street from nine o'clock in the night until five o'clock in the morning.

d. Any mobile home or trailer parked in violation of subdivision b or c of this section shall be subject to impoundment by the department, the police department or any other authorized agency. The commissioner and the police commissioner shall be authorized to promulgate rules and regulations concerning the procedure for the impoundment of mobile homes or trailers.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Transportation.

Res. No. 166

**Resolution calling upon the New York State Assembly to pass, the New York State Senate to introduce and pass, and the Governor to sign legislation, providing for increases pursuant to changes in the consumer price index for the senior citizen rent increase exemption (SCRIE).**

By Council Member Koslowitz

**Whereas**, In 1970, New York City instituted the senior citizen rent increase exemption (SCRIE) program to help shield low-income seniors from rising housing costs; and

**Whereas**, Under the SCRIE program, rent increases are limited for qualifying seniors and in return, participating landlords receive a property tax abatement equal to the amount of the rent forgiven; and

**Whereas**, Tenants are eligible for the SCRIE program if they are at least 62 years old, have a total household income that does not exceed \$50,000, reside in a rent controlled or rent stabilized apartment, or a rent regulated residential hotel, and if the maximum rent or legal regulated rent is increased to a level that exceeds one-third of their household's income; and

**Whereas**, Cost of living adjustments to entitlement programs such as Social Security have caused some seniors to lose SCRIE benefits as their income levels rose; and

**Whereas**, If SCRIE household income limits were based upon changes in the regional consumer price index and the definition of income excluded medical and prescription drug expenses, which are not reimbursed or paid for by insurance, more people would be able to remain in the program without fear they would get kicked out; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Assembly to pass, the New York State Senate to introduce and pass, and the Governor to sign legislation providing for increases pursuant to changes in the consumer price index for the senior citizen rent increase exemption (SCRIE).

Referred to the Committee on Finance.



## Res. No. 167

**Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that would make killing someone while driving and using a phone or handheld device a felony and seriously injuring someone while driving and using a phone or handheld device a misdemeanor.**

By Council Member Koslowitz

**Whereas**, According to New York State Vehicle and Traffic Law, it is presently a traffic infraction to operate a motor vehicle while using a mobile telephone to make a call, as well as to operate a motor vehicle while using a handheld device to text or otherwise be distracted from driving; and

**Whereas**, Violations of these provisions are punishable by a fine of no less than \$50 or no more than \$200; and

**Whereas**, According to the National Safety Council, which tracks traffic crashes across the United States, in 2014, 25% of all car crashes in the United States were caused by talking on the phone while driving and 5% of all car crashes in the United States were caused by texting while driving, totaling 30% of all crashes; and

**Whereas**, According to the National Safety Council, in 2012, a motorist who was texting while driving was six times more likely to get into a crash than a motorist who was driving drunk; and

**Whereas**, Making a violation of these laws a misdemeanor where a person is seriously injured and a felony where a person is killed would appropriately increase the penalties associated with killing or severely harming another person through a driver's careless disregard for the safety of others; and

**Whereas**, This change would also make enforcement easier by allowing a police officer to charge a person for seriously injuring or killing another person while using a mobile telephone or handheld device while driving, based upon probable cause, even if the officer did not witness the crash, as the officer's witnessing the crash is required under current law; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would make killing someone while driving and using a phone or handheld device a felony and seriously injuring someone while driving and using a phone or handheld device a misdemeanor.

Referred to the Committee on Transportation.

## Res. No. 168

**Resolution urging the Metropolitan Transportation Authority to timely post and publicly announce information regarding all elevator service interruptions along with suggested alternatives.**

By Council Member Koslowitz.

**Whereas**, The Americans with Disabilities Act (ADA), signed into law by President George H.W. Bush in 1990, was an attempt to provide a comprehensive solution to discrimination against people with disabilities; and

**Whereas**, The ADA is intended, among other things, to provide access to public and private premises, such as a city's transportation system; and

**Whereas**, According to numerous disability advocates, as a result of broken elevators and escalators (E&E), the New York City subway system fails to support members of the disability community; and

**Whereas**, The Mayor's Office for People With Disabilities report "Accessible NYC" informs that out of the 469 subway stations in NYC, there are currently just 84 key stations, i.e. stations with high ridership, serving major activity centers and transfer hubs that are accessible to individuals with mobility disabilities and compliant with ADA Accessibility Standards; and

**Whereas**, Accessible NYC further informs that “although the MTA continues to improve accessibility, the number of accessible stations anticipated equals less than a quarter of all stations:” and

**Whereas**, A New York Times Opinion page article from March 2017 entitled "New York Has a Great Subway, if You're Not in a Wheelchair" informed that "New York's subway is by far the least wheelchair-friendly public transit system of any major American city, with only 92 of the system's 425 stations accessible, and further advised that "on average, 25 elevators a day stop working, and these breakdowns are not quickly resolved;" and

**Whereas**, The Center for the Independence of the Disabled New York (CID-NY) reports that 81% of New York City subway stations are inaccessible to people who use wheelchairs or walkers; and

**Whereas**, CID-NY further notes that by contrast, 100% of Washington, DC and San Francisco stations are wheelchair-accessible, as are 74% of Boston stations, 68% of Philadelphia stations and 67% of Chicago stations; and

**Whereas**, Although only about 25% of New York City's subway stations are accessible, the Metropolitan Transportation Association's (MTA) failure to maintain the elevators and escalators at even these 25% of stations makes commuting by members of the disability community particularly uncertain and hazardous; and

**Whereas**, Advocates have expressed support for a "real time" notification system which is website accessible, so that an individual planning a trip in the subway knows, with the very latest information available and a high degree of certainty and probability, whether her or his otherwise accessible station is indeed accessible at the time of the trip; and

**Whereas**, A recent audit by Comptroller Scott Stringer found that the MTA did not perform all scheduled preventive maintenance on nearly 80% of the sampled E&Es; and

**Whereas**, That Comptroller's Audit also reported that one-third of the MTA's scheduled preventive maintenance assignments in the sample were completed late - if at all; and

**Whereas**, Comptroller Stringer said that "When seniors and people with disabilities can't get to where they need to go because of a broken elevator or escalator, government is failing them;" and

**Whereas**, Comptroller Stringer went on to say that “This audit isn't just about basic maintenance. It should be a reminder that every broken machine, behind every motionless escalator or elevator, there are people who can't travel..it's unfair - and it's gone on for far too long. It must get fixed;" and

**Whereas**, A lawsuit recently filed by the Disability Rights Advocates alleges that “[t]he Metropolitan Transportation Authority discriminates against people with disabilities because of its widespread lack of elevators and electric lifts in the subway system, rendering it significantly more inaccessible than other cities with large public transportation systems;” and

**Whereas**, State Senator Daniel Squadron said that "Elevators and escalators are the first and last stop for many subway riders - but too often the last priority for the MTA", and urged a review [of MTA maintenance procedures] " ... because functioning infrastructure and timelines in the system are often as elusive as functioning escalators and elevators"; and

**Whereas**, Although the MTA website includes an MTA Guide to Accessible Transit, and an Accessible Elevator & Escalator Status section, overwhelming anecdotal evidence by members of the disability community and advocates reveals that the system of notification of broken E&Es itself is woefully inadequate and unreliable; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the Metropolitan Transportation Authority to timely post and publicly announce information regarding all elevator service interruptions along with suggested alternatives.

Referred to the Committee on Transportation.

Int. No. 507

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to discrimination against persons accompanied by a police dog**

*Be it enacted by the Council as follows:*

Section 1. Section 8-101 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, is amended to read as follows:

Section 8-101 Policy. In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, caregiver status, uniformed service, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person, *whether a person is or will be accompanied by a police dog*, or conviction or arrest record.

§ 2. Section 8-102 of the administrative code of the city of New York is amended by adding a new subdivision 34 to read as follows:

34. *The term "police dog" shall mean any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and being used for police work purposes.*

§ 3. Subparagraphs 1 and 2 of paragraph a of subdivision 4 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, are amended to read as follows:

1. Because of any person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service or alienage or citizenship status, *or because such person is accompanied by a police dog*, directly or indirectly: (a) To refuse, withhold from or deny to such person the full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, services, facilities or privileges of the place or provider of public accommodation; or (b) to represent to any person that any accommodation, advantage, facility or privilege of any such place or provider of public accommodation is not available when in fact it is available; or

2. Directly or indirectly to make any declaration, publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that: (a) Full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, facilities and privileges of any such place or provider of public accommodation shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service or alienage or citizenship status[;], *or because such person is accompanied by a police dog*; or (b) The patronage or custom of any person is unwelcome, objectionable, not acceptable, undesired or unsolicited because of such person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service, [or] alienage or citizenship status[.], *or because such person is accompanied by a police dog*.

§ 4. Subparagraphs 1 and 2 of paragraph a of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, are amended to read as follows:

(1) Because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, marital status, partnership status, or alienage or citizenship status of any person or group of persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons[;], *or because such person or group of persons is, are, may be or would be accompanied by a police dog*:

(2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or alienage or citizenship status, or any lawful source of income of such, or whether children are, may be, or would be residing with a person, *or because such person is or may be accompanied by a police dog*, or any intent to make such limitation, specification or discrimination.

§ 5. Subparagraph 1 of paragraph b of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, is amended to read as follows:

(1) Because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, unfirm service, marital status, partnership status, or alienage or citizenship status of any person or group of persons, or because children are, may be or would be residing with any person or persons[:], *or because a person or group of persons is, are, may be or would be accompanied by a police dog:*

§ 6. Subparagraphs 1, 2 and 3 of paragraph c of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, are amended as follows:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space or an interest therein to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space or an interest therein to any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or alienage or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons, *or because such person or group of persons is, are, may be or would be accompanied by a police dog,* or to represent that any housing accommodation, land or commercial space or an interest therein is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or an interest therein or any facilities of any housing accommodation, land or commercial space or an interest therein from any person or group of persons because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or alienage or citizenship status of such person or persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons[.], *or because such person or group of persons is, are, may be or would be accompanied by a police dog.*

(2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or an interest therein or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, or alienage or citizenship status, or any lawful source of income, or to whether children are, may be or would be residing with a person, *or because a person is, may be or would be accompanied by a police dog,* or any intent to make such limitation, specification or discrimination.

(3) To induce or attempt to induce any person to sell or rent any housing accommodation, land or commercial space or an interest therein by representations, explicit or implicit, regarding the entry or prospective entry into the neighborhood or area of a person or persons of any race, creed, color, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, national origin, alienage or citizenship status, or a person or persons with any lawful source of income, or a person or persons with whom children are, may be or would be residing[.], *or a person or persons who is, are, may be or would be accompanied by a police dog.*

§ 7. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 508

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to the prohibition of requiring low-wage workers to enter into covenants not to compete and also to require employers to notify potential employees of any requirement to enter into a covenant not to compete**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-510 to read as follows:

*§ 22-510 Prohibition of covenants not to compete for low-wage employees.*

*a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Covenant not to compete. The term “covenant not to compete” means an agreement that is entered into after the effective date of the local law that added this section between an employee and an employer that restricts such employee from performing 1) work for an employer not a party to such agreement for a specified period of time; 2) work in a specified geographical area for an employer not a party to such agreement; or 3) work for an employer not a party to such agreement that is similar to such employee’s work for the employer who is a party to the agreement.*

*Employee. The term “employee” means an employee as defined in subdivision 2 of section 190 of the labor law.*

*Employer. The term “employer” means an employer as defined in subdivision 3 of section 190 of the labor law.*

*Low-wage employee. The term “low-wage employee” means a clerical and other worker as defined in subdivision 7 of section 190 of the labor law.*

*b. Prohibition. No employer shall enter into a covenant not to compete with any low-wage employee of such employer.*

*c. Disclosure requirement for non-low-wage workers. An employer may not require a potential employee who is not a low-wage employee to enter into a covenant not to compete unless, at the beginning of the process for hiring such employee, such employer disclosed in writing that they may be subject to such a covenant.*

*d. Enforcement. The office of labor standards shall enforce the requirements of this section.*

§ 2. This local law takes effect 120 days after it becomes law; provided, however, that the office of labor standards shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Civil Service and Labor.

Int. No. 509

By Council Member Lancman.

**A Local Law to amend the New York city charter and administrative code of the city of New York, in relation to workers’ compensation insurance data.**

*Be it enacted by the Council as follows:*

Section 1. Section 1301 of the New York city charter is hereby amended to add a new subdivision 6 as follows:

*6. With respect to the collection and reporting of workers’ compensation insurance data, the commissioner shall have the power to collect from other city agencies workers’ compensation insurance data and report such data quarterly to the New York state workers’ compensation board.*

§ 2. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-170 to read as follows:

**§ 14-170 Collection of workers’ compensation insurance.** *a. Notwithstanding any inconsistent provision of law, rule or regulation, when an accident or crime involving a serious physical injury occurs at the place of employment of the victim of such accident or crime, to the extent practicable, police officers shall collect workers’ compensation data from the employer of the victim of a crime or an accident. The nature of the accident or crime and the severity of the injury shall also be included with such workers’ compensation data.*

*b. The department shall report workers’ compensation data, including information regarding accidents and crimes collected with such data, to the department of small business services quarterly, pursuant to section 22-1105 of this code.*

c. “Workers’ compensation data” shall have the same meaning as in subdivision e of section 22-1102 of this code and “physical injury” shall have the same meaning as in subdivision 9 of section 10.00 of the penal law.

§ 3. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

**CHAPTER 11**  
**Injured Workers’ Protection Act**

§ 22-1101 **Short title.** This chapter shall be known and may be cited as the “Injured Workers’ Protection Act.”

§ 22-1102 **Definitions.** For purposes of this chapter, the following terms shall be defined as follows:

- a. “Department” shall mean the department of small business services.
- b. “Employee” shall mean any person who provides services to an employer in return for the payment of direct or indirect monetary wages or profit from such employer, or provides services to an employer for no monetary compensation for the purpose of obtaining employment experience and training from such employer.
- c. “Employer” shall mean any person, partnership, association, corporation or non-profit entity which employs one or more persons, or an employer’s agent, representative or designee.
- d. “Physical injury” shall have the same meaning as in subdivision 9 of section 10.00 of the penal law.
- e. “Workers’ compensation insurance data” shall mean the most recent available data regarding an employer including:
  - i. the name and primary place of business of the employer;
  - ii. the nature of the business of the employer;
  - iii. the employer identification number of the employer;
  - iv. the gross receipts of the employer for the previous calendar year;
  - v. the gross payroll of the employer for the previous calendar year;
  - vi. the name and address of the workers’ compensation insurer;
  - vii. the number of employees of the employer covered by the insurance; and
  - viii. the employer’s New York compensation insurance rating board classification number.

§ 22-1103 **Provision of workers’ compensation insurance data by businesses that are licensed by city of New York.** a. Notwithstanding any inconsistent provision of law, rule or regulation, all applications for a license or renewal of a license issued by the city of New York shall require such employer applying for such license to provide its workers’ compensation data to the agency issuing the license.

b. Any agency that receives workers’ compensation data pursuant to this section shall report such data to the department quarterly, pursuant to section 22-1105 of this chapter.

§ 22-1104 **Provision of workers’ compensation insurance data by businesses with permits issued by city of New York.** a. Notwithstanding any inconsistent provision of law, rule or regulation, all applications for a permit or renewal of a permit issued by the city of New York shall require such employer applying for such permit to provide its workers’ compensation data to the agency issuing the permit.

b. Any agency that receives workers’ compensation data pursuant to this section shall report such data to the department quarterly, pursuant to section 22-1105 of this chapter.

§ 22-1105 **Transmittal of data to the department.** Workers’ compensation data collected by any agency pursuant to sections 14-170, 22-1103 and 22-1104 of this code and shall report such data to the department pursuant to the following schedule:

Data collected between January 1 and March 31 shall be reported no later than May 1.

Data collected between April 1 and June 30 shall be reported no later than August 1.

Data collected between July 1 and September 30 shall be reported no later than November 1.

Data collected between October 1 and December 31 shall be reported no later than the following February 1.

§ 20-1106 **Transmittal of data to the New York state workers’ compensation board.** Workers’ compensation data shall be collected by the department from agencies and shall be reported to the New York state workers’ compensation board pursuant to the following schedule:

Data collected for the period between January 1 and March 31 shall be reported no later than June 1.

Data collected for the period between April 1 and June 30 shall be reported no later than September 1.

*Data collected for the period between July 1 and September 30 shall be reported no later than December 1. Data collected for the period between October 1 and December 31 shall be reported no later than the following March 1.*

§ 4. This local law shall take effect one hundred and twenty days after its enactment into law.

Referred to the Committee on Civil Service and Labor.

Int. No. 510

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to fees charged by bail bondsmen**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of Title 20 of the administrative code of the city of New York is amended by adding a new subchapter 19 to read as follows:

*Subchapter 19  
Bail Bond Businesses*

*§ 20-824 Definitions. For the purposes of this subchapter, the following terms have the following meanings: Bail bond business. The term “bail bond business” means any bail or insurance business, as defined in section 6801 of the New York insurance law.*

*Bailee. The term “bailee” means any person present in any courtroom having criminal jurisdiction or a party to any criminal action or proceeding, who requests a bail bond business to deposit money or property as bail or for whom such request is made.*

*Premium. The term “premium” means the rate a bail bond business charges for giving bail bond or depositing money or property as bail, as described in section 6804 of the New York insurance law.*

*§ 20-825 Disclosure related to premium limits for bail bond services. Any bail bond business shall post in a conspicuous manner, at the location where its principal business transactions are executed, in a size and style to be determined by the commissioner, a sign stating the following:*

*“The premium charged for giving bail bond or depositing money or property as bail may not exceed the following amounts, under state law:*

*10% if such bond or deposit is \$3,000 or less; and*

*8% for any portion of the bond or deposit between \$3,000.01 and \$10,000; and*

*6% for any portion of the bond or deposit above \$10,000.*

*If the bond or deposit is less than \$200, a minimum of \$10 may be charged.”*

*§ 20-826 Complaints. The department shall create a mechanism whereby any person using bail bond services can alert the department when bail bond businesses charge more than the maximum limit for premiums permitted under the New York insurance law.*

*§ 20-827 Enforcement. a. The department shall refer any alleged violations of state insurance law section 6804 to the New York police department for investigation.*

*b. Any person who violates section 20-825 of this subchapter or any of the regulations promulgated thereunder is liable for a civil penalty not to exceed \$250 for each violation.*

*§ 20-828 Rules and regulations. The department is authorized to promulgate such rules and regulations as it deems necessary to implement and enforce the provisions of this subchapter.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

## Int. No. 511

By Council Member Lancman.

**A Local Law to require the department of consumer affairs to conduct a retrospective review of existing sidewalk cafe violations**

*Be it enacted by the Council as follows:*

Section 1. *Retrospective review of existing sidewalk cafe violations. The department of consumer affairs shall conduct a retrospective review of the provisions of the administrative code and the rules of the city of New York that establish violations related to sidewalk cafes and are enforced by the department of consumer affairs. Such review shall examine existing sidewalk cafe violations for which a penalty or fine may be assessed for which there is no cure period or other opportunity for ameliorative action by the party or parties subject to the violation prior to the imposition of a penalty or fine. Upon the completion of such retrospective review and within 120 days of the enactment of this local law, a report shall be submitted to the mayor and the speaker regarding the department's findings. Such report shall include:*

*(1) a description of each sidewalk cafe violation for which the agency recommends that a cure period or other opportunity for ameliorative action be provided prior to the imposition of a penalty or fine, and the basis for such conclusion; and*

*(2) a list of all other existing sidewalk cafe violations established by the department's rules for which a penalty or fine may be assessed for which there is no cure period or other opportunity for ameliorative action by the party or parties subject to enforcement prior to the imposition of a penalty or fine. This list shall identify, either by individual violation or on an aggregate basis, the rationale for the absence of a cure period or other opportunity for ameliorative action.*

§2. This local law shall take effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

## Int. No. 512

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring certain city contractors to implement workplace violence prevention programs**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-142 to read as follows:

§ 6-142 *Social Services Workplace Violence Prevention Act. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*“Contracting agency” means the following city agencies: the administration for children’s services, the department for the aging, the department of homeless services and the human resources administration/department of social services.*

*“Covered contractor” means a person that contracts with a contracting agency in order to provide social services directly to members of the public and that has one or more employees, except that a covered contractor does not include any person required to comply with section 27-b of the New York labor law.*

*“Employee” means a non-public employee who performs work for a covered contractor.*

*“Retaliatory action” means an adverse employment action taken against an employee in the terms and conditions of employment, including but not limited to discharge, suspension, demotion, penalization or discrimination.*



*“Supervisor” means any person within a covered contractor’s organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding a violation of a law, rule or regulation of which an employee submits written notice.*

*“Workplace” means any location away from an employee’s domicile where an employee performs any work-related duty in the course of his or her employment by a covered contractor.*

*“Workplace violence” includes any homicide, assault or other physical violence or any attempted or threatened use of physical violence that occurs in a workplace.*

*b. Risk evaluation and determination. Every covered contractor shall evaluate its workplace or workplaces for factors or situations that might place employees at risk of workplace violence. Examples of such factors include but are not limited to the following:*

- 1. Working in emotionally escalated situations.*
- 2. Working with potentially aggressive individuals in health care, social service or criminal or juvenile justice settings.*
- 3. Handling or exchanging money.*
- 4. Working late night or early morning hours.*
- 5. Working in areas with exits secured from the inside.*
- 6. Working alone or in small numbers.*
- 7. Working in high-crime areas.*
- 8. Working in locations with uncontrolled public access.*
- 9. Areas of previous security problems.*

*c. Written workplace violence prevention program. Every covered contractor shall develop and implement a written workplace violence prevention program for its workplace or various workplaces that includes all of the following:*

- 1. A list of the risk factors identified pursuant to subdivision b of this section that are present in such workplace or workplaces.*
- 2. The methods the covered contractor will use to prevent workplace violence. Such methods shall include, but need not be limited to, the following:*
  - (a) Making high-risk areas more visible to more people;*
  - (b) Providing training in conflict resolution and nonviolent self-defense responses;*
  - (c) Installing and maintaining appropriate security features, such as locks and exterior lighting where appropriate; and*
  - (d) Establishing and implementing reporting systems for instances of aggressive behavior.*
- 3. A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls and personal protective equipment.*
- 4. The methods by which the covered contractor will address each specific risk factors identified in the workplace evaluation.*
- 5. A system for reporting, in writing, incidents of workplace violence.*
- 6. A written outline or lesson plan for employee program training.*
- 7. A plan for program review and update on at least an annual basis that includes any mitigating steps taken in response to previous incidents of workplace violence.*

*d. Employee information and training. 1. Every covered contractor shall make its workplace violence prevention program available upon request to employees, their designated representatives and the contracting agency with which the covered contractor contracts.*

*2. Every covered contractor shall provide its employees with all of the following information and training on the risks of occupational assaults and homicides in their workplace or workplaces at the time of their initial assignment and annually thereafter:*

*(a) Employees shall be informed of the requirements of this section, the risk factors in their workplace or workplaces, and the location and availability of the written workplace violence prevention program required by this section.*

*(b) Employee training shall include at least: (i) the measures employees can take to protect themselves from such risks, including specific procedures the covered contractor has implemented to protect employees, such as appropriate work practices, emergency procedures and use of security alarms and other devices, and (ii) the details of the written workplace violence prevention program developed by the covered contractor.*

*e. Reporting violations. 1. An employee or representative of employees who believes that a serious violation of a workplace violence prevention program exists or that an imminent danger exists shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the covered contractor a reasonable opportunity to correct the violative activity, policy or practice. This requirement does not apply where an imminent danger or threat exists to the safety of a specific employee or to the general health of a specific person and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.*

*2. If following a referral of such matter to the employee's supervisor's attention and after a reasonable opportunity to correct the violative activity, policy or practice the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention program exists, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice of such violation or danger to the contracting agency with which the covered contractor contracts. Each contracting agency shall designate by rule an individual responsible for receiving and handling such complaints. A notice and request pursuant to this paragraph shall be in writing, shall set forth with reasonable particularity the grounds for the notice and shall be signed by such employee or representative of employees. The contracting agency shall provide a copy of the notice to the covered contractor no later than the time of inspection, except that on the request of the person giving such notice, such person's name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made as soon as practicable after receipt of such a request.*

*3. A contracting agency's representative conducting an inspection shall allow a representative of the covered contractor and an authorized employee representative to accompany such representative during an inspection for the purpose of aiding such inspection. Where there is no authorized employee representative, the contracting agency's representative conducting the inspection shall consult with a reasonable number of employees concerning matters of safety in the workplace.*

*4. The authority of a contracting agency to inspect a premises pursuant to an employee complaint under this section is not limited to the alleged violation contained in such complaint. The contracting agency's representative conducting the inspection may inspect any other area of the premises in which he or she has reason to believe that a serious violation of this section exists.*

*5. No covered contractor may take retaliatory action against an employee as a result of the employee having done any of the following:*

*(a) Provided written notice pursuant to paragraph 1 of this subdivision.*

*(b) Requested an inspection pursuant to paragraph 2 of this subdivision.*

*(c) Accompanied a contracting agency's representative during an inspection as authorized in paragraph 3 of this subdivision or otherwise assisted such representative in the course of an inspection.*

*6. In addition to conducting inspections pursuant to employee complaints, a contracting agency may establish a general schedule of inspections for purposes of enforcing this section.*

*7. A contracting agency's representative conducting an inspection may inspect any premises occupied by a covered contractor if such representative has reason to believe that a violation of this section has occurred or if the contracting agency has a general administrative plan for the enforcement of this section, including a general schedule of inspections, which provide a rational administrative basis for such inspections.*

*8. Any information obtained by a contracting agency pursuant to this subdivision shall be obtained with a minimal burden on any affected covered contractor.*

*9. When a request for an inspection alleges the existence of an imminent danger such that an employee would be subjecting himself or herself to serious injury or death because of a hazardous condition in the workplace, the applicable contracting agency shall give the request the highest priority and shall perform an inspection immediately.*

*f. Incident reports. 1. A covered contractor shall report any instance of workplace violence involving such covered contractor's employees to the applicable contracting agency no later than ten days after its occurrence.*

*2. No later than sixty days after the end of each fiscal year, each contracting agency shall (i) post a report on its website containing the total number of occupational assaults and homicides occurring that year against employees of its covered contractors and (ii) provide a copy of such report to the council.*

*g. Each contracting agency shall promulgate rules as necessary to implement and carry out the provisions of this section.*

§ 2. This local law takes effect 120 days after it becomes law, except that prior to such effective date the administration for children's services, the department for the aging, the department of homeless services and the human resources administration/department of social services shall take any steps necessary for its implementation, including the promulgation of rules.

Referred to the Committee on Contracts.

Int. No. 513

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on city contracting with local vendors**

*Be it enacted by the Council as follows:*

Section 1. Title 6 of the administrative code of the city of New York is amended to add a new section 6-143 to read as follows:

*§6-143 Reporting on contracting with New York city and New York state vendors. a. For purposes of this section:*

*Agency. The term "agency" means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.*

*City chief procurement officer. The term "city chief procurement officer" means the person to whom the mayor has delegated authority to coordinate and oversee the procurement activity of mayoral agency staff, including the agency chief contracting officers and any offices that have oversight responsibility for procurement.*

*Construction. The term "construction" means construction, reconstruction, demolition, excavation, renovation, alteration, improvement, rehabilitation, or repair of any building, facility, physical structure of any kind.*

*Industry classification. The term "industry classification" means one of the following classifications: (a) construction; (b) professional services; (c) standard services; and (d) goods.*

*New York city vendor. The term "New York city vendor" means a vendor whose principal place of business is physically located within the city of New York.*

*New York state vendor. The term "New York state vendor" means a vendor whose principal place of business is physically located outside the city of New York but within the state of New York.*

*Professional services. The term "professional services" means services that require specialized skills and the exercise of judgment, including but not limited to accountants, lawyers, doctors, computer programmers and consultants, architectural and engineering services, and construction management services.*

*Standard services. The term "standard services" means services other than professional services.*

*b. Not later than October 1 of each year, the city chief procurement officer shall submit to the speaker and publish on the mayor's office of contract services website a report detailing the city's contracting with New York city and New York state vendors during the prior fiscal year. Such report shall include the following information, disaggregated by agency:*

*(1) the number and total dollar value of contracts awarded to New York city vendors, disaggregated by industry classification;*

*(2) the number and total dollar value of contracts awarded to New York state vendors, disaggregated by industry classification;*

*(3) the number and total dollar value of contracts awarded, disaggregated by industry classification.*

§2. This local law takes effect immediately.

Referred to the Committee on Contracts.

## Int. No. 514

By Council Member Lancman.

**A Local Law to amend the New York city charter, in relation to the department of correction informing released persons of their voting rights**

*Be it enacted by the Council as follows:*

Section 1. Section 1057-a of the New York city charter is amended to add a new subdivision 10, to read as follows:

*10. The department of correction shall, in addition to the other requirements of this section for participating agencies, distribute to every person upon release from custody of the department a written notice on the voting rights of formerly incarcerated persons in the state of New York, including information on when such persons are or may become eligible to vote, and offer to every such person a voter registration form. Such written notice shall be developed in consultation with the voter assistance advisory committee.*

§ 2. Paragraph 5 of subdivision b of section 1054 of the New York city charter is amended to read as follows:

5. undertake, by itself or in cooperation with other public or private entities, activities intended to encourage and facilitate voter registration and voting by all residents of New York City who are eligible or may become eligible to vote, including eligible voters who are limited in English proficiency *and incarcerated or formerly incarcerated persons who are or may become eligible to vote;*

§ 3. This local law takes effect 120 days after becoming law.

Referred to the Committee on Criminal Justice.

## Int. No. 515

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring certain types of bail recommendations**

*Be it enacted by the Council as follows:*

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-306 to read as follows:

§ 9-306 *Bail evaluations.*

*The office shall ensure that any arraignment screening organization evaluates the amount of bail or bond each defendant has the financial capacity to post, including but not limited to the amount such defendant has the capacity to post as part of a partially secured bond, as defined in section 520.10 of the criminal procedure law or any successor statute, where appropriate. Where such evaluation includes an amount such defendant has the capacity to post as part of an insurance company bond, such evaluation shall consider the minimum value of a bond that commercial bail bonds companies customarily accept. Such evaluation shall only be provided routinely to such defendant's attorney prior to such defendant's arraignment. Nothing in this statute shall be construed to effect the arraignment screening organization's ability to recommend a defendants' release on their own recognizance. For the purposes of this section, the term "arraignment screening organization." means any organization that interviews defendants prior to being arraigned in criminal court and issues any report to a court regarding information procured in such interview.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Criminal Justice.

## Int. No. 516

By Council Member Lancman

**A Local Law to amend the administrative code of the city of New York, in relation to the review and inspection of courthouse emergency management plans**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-116 to read as follows:

*§ 30-116 Review and inspection of courthouse emergency management plans. The commissioner shall conduct an annual review and inspection of courthouse emergency management plans to ensure that each plan is effective and utilizes current procedures and technology. Such plan shall include, but not be limited to, the following information: (a) identification of city personnel responsible for preparing and implementing emergency management plans, including a clear hierarchy and points of contact; (b) a description of the physical layout of courthouses, including the number of floors and areas of egress available for able and disabled individuals; (c) the identification of assembly areas for staff reporting; (d) plans for supervisors and security personnel in the event that a courthouse lockdown is ordered; and (e) a continuity of operations plan in the event that a courthouse's operations are interrupted for a prolonged period of time. The commissioner shall provide the city council in writing with an annual report detailing the emergency and evacuation preparedness of each courthouse throughout New York City no later than January 20th of each year.*

§2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

## Int. No. 517

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to creating online applications for ambulance call reports**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

*§ 15-132 Online applications for ambulance call reports. The department shall make all components of applications for ambulance call reports, prehospital care reports, or any substantially similar report available for online submission. Nothing in this section shall prevent the department from taking reasonable steps to verify the identity of any person submitting such applications.*

§ 2. This local law takes effect 6 months after it becomes law.

Referred to the Committee on Fire and Emergency Management.

## Int. No. 518

By Council Member Lancman

**A Local Law to amend the administrative code of the city of New York, in relation to funding a participant in the campaign finance matching program who does not qualify for the full match with at least as many public dollars as an opponent who does so qualify**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 7 of section 3-705 of the administrative code of the city of New York is amended to read as follows:

7. Notwithstanding any provision of this section to the contrary, the amount of public funds payable a participating candidate on the ballot in any covered election shall not exceed one quarter of the maximum public funds payment otherwise applicable under subdivision two of this section, unless:

(a) [the participating candidate is opposed by a candidate and the board has determined that such other candidate and his or her authorized committees have spent or contracted or have obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate, exceeds one-fifth of the applicable expenditure limit for such office fixed by subdivision one of section 3-706 of this chapter for participating candidates; or

(b)] the participating candidate has submitted a certified signed statement attesting to the need and stating the reason for additional public funds in such election, in which case the board shall publish such statement at the time such additional public funds are paid, including on the board's internet website. Such statement must certify that (i) one or more of the following conditions apply and (ii) such condition or conditions reasonably demonstrate the need for such public funds, and the participating candidate must provide documentation demonstrating the existence of such condition or conditions:

(1) the participating candidate is opposed by (i) a non-participating candidate or (ii) a limited participating candidate, and provides a factual basis with supporting documentation of such candidate's ability to self finance;

(2) the participating candidate is opposed by a candidate who has received (i) the endorsement of a citywide or statewide elected official or a federal elected official representing all or a portion of the area covered by the election; (ii) two or more endorsements from other city elected officials who represent all or a part of the area covered by the election; or (iii) endorsements of one or more membership organizations with a membership of over 250 members;

(3) the participating candidate is opposed by a candidate who has had significant media exposure in the twelve months preceding the election. For purposes of this paragraph, significant media exposure shall mean appearance of the opponent or his or her name on television or radio in the area of the covered election or in print media in general circulation in the area of the covered election at least twelve times in the year preceding the covered election; provided, however, that the listing of names of candidates or potential candidates for a covered election without additional information concerning the opponent shall not constitute an appearance for purposes of this paragraph;

(4) the participating candidate is opposed by a candidate who has received twenty-five percent or more of the vote in an election for public office in an area encompassing all or part of the area that is the subject of the current election in the last eight years preceding the election;

(5) the participating candidate is opposed by a candidate whose name is substantially similar to the candidate's so as to result in confusion among voters, as determined by the board;

(6) the participating candidate in a city council or borough-wide race is opposed by a candidate who is a chairman or president of a community board or district manager of a community board; or

(7) the participating candidate is opposed by a candidate whose spouse, domestic partner, sibling, parent or child holds or has held elective office in an area encompassing all or part of the area of the covered election in the past ten years.

The board shall be authorized to verify the truthfulness of any certified statement submitted pursuant to this paragraph and of any supporting documentation and shall post such certified statements and supporting documentation on its website.

[(c)] (b) the participating candidate is opposed in a primary or special election for an office for which no incumbent is seeking re-election.

(c) (i) the participating candidate is opposed by a candidate who has submitted a certified signed statement of need pursuant to paragraph (a) of this subdivision, and (ii) the board has paid additional public funds based on such statement, and (iii) the participating candidate has not filed such a statement, or has filed such a statement that did not result in the payment of additional public funds, and (iv) if the participating candidate had filed such a statement that resulted in the payment of additional public funds, the participating candidate would have received more public funds than such opponent. In the presence of all of these factors, the participating candidate shall be entitled to no less than the amount of public funds payable to such opponent. This paragraph shall not limit the board's authority to suspend or reduce public funds payments.

If any of the conditions described in paragraphs (a)[,] or (b)[,] or (c)] occur in such election, the board shall pay any and all additional public funds due to the participating candidate up to the maximum total payment applicable in such election under subdivisions two or six of this section or subdivision three of section 3-706 of this chapter.

§2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 519

By Council Member Lancman.

**A Local Law to amend the New York city charter, in relation to the creation of an office of risk management within the mayor's office of operations.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of the New York city charter is amended by adding a new section 20-e to read as follows:

§ 20-e **Office of Risk Management.** a. *The mayor shall establish an office of risk management in the executive office of the mayor or mayor's office of operations. Such office shall be headed by a director who shall be appointed by the mayor.*

b. *The office of risk management shall have the power and duty to:*

1. *work with city agencies to improve workplace safety and overall public health and safety;*
2. *evaluate workplace accident, injury and illness data and make recommendations to agencies to help avoid recurring accidents; and*
3. *analyze and coordinate agency workplace safety plans that may be required by law.*

§ 2. This local law shall take effect 180 days after its enactment into law.

Referred to the Committee on Governmental Operations.

Int. No. 520

By Council Member Lancman.

**A Local Law to amend the New York city charter and administrative code of the city of New York, in relation to enacting the "city workforce injury reduction act."**

*Be it enacted by the Council as follows:*

Section 1. This act shall be known and may be cited as the "city workforce injury reduction act."

§ 2. Chapter one of the New York city charter is amended by adding a new section 20-e to read as follows:

§ 20-e **Office of Risk Management.** *a. The mayor shall establish an office of risk management in the executive office of the mayor or mayor's office of operations. Such office shall be headed by a director who shall be appointed by the mayor.*

*b. The office of risk management shall have the power and duty to:*

- 1. work with city agencies to improve workplace safety and overall public health and safety;*
- 2. evaluate workplace accident, injury and illness data and make recommendations to agencies to help avoid recurring accidents; and*
- 3. analyze and coordinate agency workplace safety plans as required by law.*

§ 3. Paragraph (2) of subdivision c of section 12-127 of the administrative code of the city of New York is amended to read as follows:

(2) Each agency shall transmit records gathered pursuant to paragraph (1) of subdivision c of this section, as soon as practicable, to the [mayor] *mayor's office of risk management* of the city of New York[.], *together with a written action plan for reducing occurrences of occupational injuries and diseases to agency employees in the coming year. Such plan shall be developed in collaboration with authorized employee representatives and be subject to existing collectively bargained contractual language. For purposes of this section, "authorized employee representative" shall have the same meaning as in section 27-a(1)(c) of the labor law.*

§ 4. Paragraph (3) of subdivision c of section 12-127 of the administrative code of the city of New York is amended to read as follows:

(3) The [mayor] *office of risk management* of the city of New York shall ensure that an annual report is prepared utilizing the records received from each city agency pursuant to paragraph (2) of subdivision c of this section. Such report shall be transmitted to the mayor, the comptroller, the public advocate and the speaker of the council of the city of New York by the first day of May, covering the previous calendar year. Such report shall include, but not be limited to:

(i) [an analysis, with respect to each agency included in the report, of expenses paid as a result of workers' compensation claims, including, but not limited to, expenses relating to wage replacement, medical costs, administrative costs and any penalties paid by an agency] *a list of each agency included in the report;*

(ii) [a list of the occurrence of specific claims for each agency and for the city as a whole] *an analysis, with respect to each agency included in the report, of expenses paid as a result of workers' compensation claims, including, but not limited to, expenses relating to wage replacement, medical costs, administrative costs and any penalties paid by an agency;*

(iii) a list of the [specific sites where injuries occurred for each agency and for the city as a whole] *occurrences of specific claims for each agency and for the city as a whole;*

(iv) [year-to-year comparisons of information compiled pursuant to this paragraph.] *a list of the specific sites where injuries and diseases occurred for each agency and for the city as a whole;*

(v) *year-to-year comparisons of information compiled pursuant to this paragraph;*

(vi) *the number of persons employed in each agency during that calendar year, and the number of persons employed in each job title within that agency;*

(vii) *the number of accidents or diseases occurring within each job title in each agency;*

(viii) *the number of accidents or diseases involving lost time within each job title in each agency;*

(ix) *the number of days of lost time due to workers' compensation injuries and diseases within each job title in each agency;*

(x) *the total amount of wages and workers' compensation paid by the city for disability to injured or diseased persons within each job title in each agency;*

(xi) *the total amount of medical expenses paid by the city for diagnosis and treatment of injured or diseased persons within each job title in each agency;*

(xii) *the number and nature of the injuries or diseases suffered by persons within each job title in each agency with relation to body parts, such as spine, lower extremity, upper extremity, pulmonary, etc.;*

(xiii) *the causative factor of the injuries or diseases suffered by persons within each job title in each agency in categories, such as lifting, assault, trauma, occupational/repetitive stress, etc.;*

(xiv) *the average and median number of days after the onset of disability that elapsed before the first payment of compensation was made to injured or diseased persons with lost time cases within each job title in each agency;*



*(xv) the average and median periods of lost time for injured or diseased persons within each job title in each agency;*

*(xvi) the amount of penalties paid by the city in workers' compensation cases related to each agency; and*

*(xvii) each agency's action plan for reducing occurrences of occupational injuries and diseases to agency employees in the coming year.*

§ 5. Section 12-127 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. The office of risk management shall issue the report required by subdivision c of this section in written and electronic format on the website of the city, provided that reports submitted in 2015 or after shall be made available in a commonly available non-proprietary database format that permit the data to be searched and sorted by the recipients of the report.*

§ 6. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 521

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to an assessment of city managed court facilities to determine accessibility for persons with disabilities**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-211 to read as follows:

§ 4-211. *Audit of courthouse accessibility for persons with disabilities. a. By July 1, 2018, and annually thereafter, the department of citywide administrative services shall audit each court facility maintained by the department to assess compliance with the Americans with disabilities act.*

*b. Within 30 days of the completion of each audit, the department of citywide administrative services shall create and submit a report to the mayor, the speaker of the council and the commissioner of the mayor's office for people with disabilities. The report shall be posted to the department's website in a human and machine-readable format. The report shall include, but not be limited to the following information for each court facility:*

*1. Whether the court facility is currently in compliance with the accessibility requirements of the American with disabilities act;*

*2. A description of all measures currently implemented to comply with the Americans with disabilities act;*

*3. A description of all reasonable measures, including structural measures, that would increase accessibility of the court facility for persons with disabilities and for each such measure, the cost to implement;*

*4. An action plan, summarizing the department of citywide administrative services' recommendations on increasing accessibility based on these reasonable measures, including a schedule to implement such recommendations;*

*5. In each annual report subsequent to the first report required by this section, the report shall also include an update on the implementation of the recommendations of the action plan.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

## Int. No. 522

By Council Member Lancman.

**A Local Law to amend the New York city charter, in relation to the reporting of revenue from the issuance of violations and the imposition of related fines**

*Be it enacted by the Council as follows:*

Section 1. This bill shall be known and may be cited as the “Fine Accountability Act.”

§ 2. Section 487 of the New York city charter is amended by adding a new subdivision h to read as follows:

*h. By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website.*

§ 3. Paragraphs (3) and (4) of subdivision e of section 556 of the New York city charter are amended, and a new paragraph (5) is added to such subdivision, to read as follows:

(3) provide for membership on such state or federally authorized committees as may be appropriate to the discharge of the department's functions, powers and duties; [and]

*(4) by January 1, April 1, July 1, and October 1 of each year, report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this paragraph. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website; and*

(5) perform such other acts as may be necessary and proper to carry out the provisions of this chapter and the purposes of the mental hygiene law.

§ 4. Section 645 of the New York city charter is amended by adding a new subdivision (e) to read as follows:

*(e) By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website.*

§ 5. Section 753 of the New York city charter is amended by adding a new subdivision e to read as follows:

*e. By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website.*

§ 6. Section 2203 of the New York city charter is amended by adding a new subdivision (i) to read as follows:

*(i) By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website.*

§ 7. Section 2903 of the New York city charter is amended by adding a new subdivision e to read as follows:

*e. By January 1, April 1, July 1, and October 1 of each year, the commissioner shall report the amount of revenue collected pursuant to violations and fines issued by the department since the previous report issued under this subdivision. Such data shall be disaggregated by the community board district in which the violation occurred. Such report shall be delivered to the council and each community board, and shall be posted on the department’s website.*

§ 8. This local law shall take effect immediately, and the first reports required by this law shall be due by October 1, 2018, covering revenue collected from January 1, 2018 until the date each such report is issued.

Referred to the Committee on Governmental Operations.

Int. No. 523

By Council Member Lancman.

**A Local Law in relation to the creation of a safe patient handling advisory board.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that it is in the public interest to develop Safe Patient Handling policy recommendations for health care facilities operating in New York City. There are many benefits that can be derived from the development and implementation of Safe Patient Handling policies. Patients benefit through improved quality of care and quality of life by reducing the risk of falls, being dropped, friction burns, skin tears and bruises. Caregivers benefit from the reduced risk of career ending and debilitating injuries. If best practices in Safe Patient Handling are identified and if such practices were implemented, there would be improved health and safety across the City.

§2. Safe Patient Handling Advisory Board. a. For purposes of this subdivision, the following terms shall have the following meanings:

1. "Health care facility" shall mean any individual, partnership, association, corporation, limited liability company or any person or group of persons acting directly or indirectly on behalf of or in the interest of the employer, who provides health care services in a facility licensed or operated pursuant to articles twenty-eight, twenty-eight-a and thirty-six of the New York state public health law, the New York state mental hygiene law, the New York state education law and the New York state correction law, including any facility operated by New York state, a political subdivision or a public benefit corporation as defined by section sixty-six of the New York state general construction law, or any successor provision thereto.

2. "Nurse" shall have the same meaning as set forth in article one hundred thirty-nine of the New York state education law.

3. "Direct care worker" shall mean any employee of a health care facility that is responsible for patient handling or patient assessment as a regular or incident part of their employment, including any licensed or unlicensed health care worker.

4. "Safe patient handling" shall mean the use of engineering controls and lifting and transfer aids or assistive devices, by direct care workers, which may be used as a substitute for manual lifting to perform the acts of lifting, transferring or repositioning health care patients and residents.

5. "Safe patient handling policy recommendations" shall include a written statement explaining the purpose and health benefits of a safe patient handling policy, and a set of recommendations for procedures, methods and equipment that the department recommends that health care facilities operating in New York city adopt for the purpose of decreasing patient and employee injuries when handling patients.

b. Safe patient handling advisory board. There shall be an advisory board to study injuries to and problems facing patients and health care facility employees due to the unsafe handling of patients and recommended safe patient handling procedures.

c. Such advisory board shall consist of nine members as follows:

1. The commissioner, or his or her designee;

2. Four members to be appointed by the mayor, provided that one such member shall be a representative from an employee organization representing nurses, one such member shall be a representative from an employee organization representing direct care workers other than nurses, and two such members shall have expertise in fields of discipline related to health care or occupational safety.

3. Four members to be appointed by the speaker of the council, provided that one such member shall be a representative from an employee organization representing nurses, one such member shall be a representative from an employee organization representing direct care workers other than nurses, and two such members shall have expertise in fields of discipline related to health care or occupational safety.

d. The members shall be appointed within sixty days of the enactment of this local law.

e. At its first meeting, the advisory board shall select a chairperson from among its members by majority vote of the advisory board.

f. Each member shall serve for a term of twelve months, to commence after the final member of the advisory board is appointed. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

g. The department may provide staff to assist the advisory board.

h. No member of the advisory board shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

i. Members of the advisory board shall serve without compensation and shall meet no less than once a month.

j. No later than twelve months from the date all nine members of advisory board are appointed, the advisory board shall submit to the mayor and the council a report that shall include the findings and recommendations of the advisory board. The department shall make such safe patient handling policy recommendations available to the public through the department's website. Such report shall include recommendations for standards to be adopted by health care facilities with regard to:

1. the equipment, devices or technology to be used by a nurse or direct care worker who is engaged in patient handling;

2. the ratio of such equipment or technology based upon the type of facility, the number of beds in a facility, the number of patient-handling tasks, types of care units, patient populations, and patient care areas; and

3. the minimum number of devices to ensure that current assessed hazards are eliminated or mitigated;

k. The advisory board shall dissolve upon submission of the report required by subdivision j of this section.

§3. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Health.

Int. No. 524

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to required notice of the rights of people with disabilities to use service animals in public accommodations**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of Title 20 of the administrative code is amended by adding a new subchapter 19 to read as follows:

***Subchapter 19  
Service Animals***

§ 20-824 *Definitions. For the purposes of this subchapter, the following terms have the following meanings: "Americans With Disabilities Act" or "ADA" means the Americans with Disabilities Act, title 42 United States code section 12101 et seq., and any regulations promulgated thereunder, as such act and regulations may be amended.*

*"Disability" means the same as defined in title 28 of the code of federal regulations at section 36.104 or successor provisions.*

*"Place or provider of public accommodation" means the same as defined in section 8-102, except that a club or place of accommodation shall not be considered in its nature distinctly private if it has more than one hundred members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of a nonmember for the furtherance of trade or business.*

*"Service animal" means the same as defined in title 28 of the code of federal regulations section 36.104 or successor provisions.*

§ 20-825 *Required notice.* a. Every place or provider of public accommodation shall have posted in a conspicuous place easily accessible to all employees and customers, in a standardized form prescribed by the commissioner, written notice that pursuant to local, state and federal law persons with disabilities have the right to use and possess service animals while on the premises of such public accommodation, consistent with federal regulations implementing the ADA.

b. The department shall create and make available notices that contain the information required pursuant to subdivision a of this section. Such notices shall be posted in a downloadable format on the department's website in English and at least the six languages most commonly spoken by limited English proficient individuals, as those languages are determined by the department of city planning, and any other language deemed appropriate by the department.

c. Any person or entity that violates the notice requirements of this section shall be subject to a civil penalty in an amount not to exceed fifty dollars for each employee who was not given appropriate notice pursuant to this section, except that a person or entity shall not be subject to a civil penalty described above if such person or entity proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person or entity who has received, for the first time, a notice of violation of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person or entity may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

d. The commissioner, in consultation with the commissioner of the mayor's office for people with disabilities and the commissioner of the commission on human rights, shall promulgate rules as are necessary to carry out the provisions of this subchapter.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Health.

Int. No. 525

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to penalties for leaving the scene of a construction workplace fatality without reporting.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 10 of the administrative code of the city of New York is amended by adding a new section 10-177 to read as follows:

§ 10-177 *Penalties for leaving the scene of a construction workplace fatality without reporting.* a. This section shall be known and may be cited as the "Construction Workplace Fatality Accountability Act."

b. As used in this section the following terms shall be defined as follows:

1. "Construction workplace" shall mean a place of work where construction, reconstruction, altering, maintaining, moving, rehabilitating, repairing, renovating or demolition of any building, structure or improvement, or relating to the excavation of or other development or improvement to land is occurring.

2. "Employee" shall mean any "employee" as defined in section 190(2) of the labor law who performs work on a full-time or part-time basis, not including those who are employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section

92 or county law section 207.

3. “Employer” shall mean any “employer” as defined in section 190(3) of the labor law, but not including (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207.

4. “Supervisor” shall mean any person who had the authority to direct and control the work performance of other employees of an employer.

5. “Owner” shall mean any person with an ownership interest in an employer, who also works at the workplace of the employer and makes decisions about the operation of the employer.

c. Whenever an accident or an act of violence causes the death of an employee at a construction workplace of the employer, any supervisor or owner who witnessed the accident or act that caused such death who leaves the construction workplace without complying with subdivision e of this section shall be guilty of a class A misdemeanor punishable by a term of imprisonment of not more than one year, a fine of not more than one thousand dollars, or both.

d. In the case of an accident or act of violence that causes the death of an employee when no supervisor or owner witnessed such accident or act, at least one owner or supervisor present at the construction workplace at the time of such accident or act, or who immediately arrives at the construction workplace upon being informed of such accident or act, shall remain at the construction workplace until such owner or supervisor has complied with subdivision e of this section. In such cases, the supervisor or owner with the most direct supervisory power over the employee killed in the construction workplace who does not comply with subdivision e of this section shall be subject to a civil penalty of not more than one thousand dollars.

e. After an employee has been killed in an employer’s construction workplace, any supervisor or owner of such employer required to remain present at such construction workplace pursuant to subdivisions c or d of this section shall be permitted to leave such construction workplace only after such supervisor or owner has been interviewed by the police or been informed by the police that the continued presence of such supervisor or owner is no longer necessary.

§ 2. This local law takes effect 90 days after enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 526

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include illegal conversions of dwelling units**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, is amended by adding a new subparagraph b-5 to read as follows:

*b-5. engaging in conduct within the building in violation of section 28-210.3 of the New York city construction codes;*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 527

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to client satisfaction surveys for city-funded indigent legal services**

*Be it enacted by the Council as follows:*

Section 1. Title 7 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

*CHAPTER 10  
CIVIL INDIGENT LEGAL SERVICES*

*Subchapter 1  
General Provisions*

*§ 7-1011 Definitions. For the purposes of this chapter, the following terms have the following meanings:  
Civil indigent legal services. The term “civil indigent legal services” means free and low-cost legal services that are funded in whole or in part by the city and are provided to clients in civil legal matters -on the basis of financial need.*

*Client. The term “client” means a person represented in a civil legal proceeding by a city-funded attorney.  
Coordinator. The term “coordinator” means the coordinator of the office of civil justice.*

*Subchapter 2  
Client Satisfaction Surveys and Reporting*

*§ 7-1021 Client satisfaction surveys. a. No later than 180 days after the effective date of the local law that added this chapter, the coordinator shall develop a survey for distribution to persons represented by attorneys providing civil indigent legal services and written instructions for submitting such survey to the coordinator when completed. Such survey and instructions each shall include a prominent notice informing the client that by submitting the survey, the client waives confidentiality with respect to the client’s responses, including the existence of the representation. The coordinator shall provide different options for completing and submitting such survey, which options shall include, but need not be limited to, submission by mail, by telephone and electronically over the internet.*

*b. The survey required by subdivision a of this section shall contain questions designed to measure a client’s satisfaction with his or her representation in a civil legal matter by a city-funded attorney according to the following factors:*

- 1. The client’s overall satisfaction with the attorney’s performance;*
- 2. The client’s satisfaction with the level of participation he or she had in the representation;*
- 3. The client’s satisfaction with the attorney’s investigation of the case;*
- 4. The client’s satisfaction with the efficiency of the attorney’s use of time;*
- 5. The client’s satisfaction with the attorney’s communications about the case in general and its possible outcomes; and*
- 6. Any other factors that the coordinator deems important to gauging the client’s satisfaction with the representation.*

*c. No later than 30 days after developing the survey pursuant to subdivision a of this section, the coordinator shall distribute to all attorneys providing civil indigent legal services to one or more clients or who have current contracts with the city to provide civil indigent legal services:*

- 1. Copies of the survey; and*
- 2. Instructions for how the client can submit the survey by mail, by telephone or electronically.*

*d. Commencing 30 days after the coordinator develops the survey pursuant to subdivision a of this section, at the conclusion of any representation by an attorney providing civil indigent legal services, such attorney shall*

*provide the client with the materials listed in subdivision c of this section. Completion of the survey by the client is optional. The client shall submit any completed survey directly to the mayor's office of civil justice according to the instructions provided with the survey. The city shall bear the cost of submission of surveys.*

*e. The coordinator shall retain every survey collected pursuant to this section for at least two years.*

*§ 7-1022 Reporting. a. No later than October 1 of each year, the coordinator shall submit a report to the mayor and the council on the quality and effectiveness of civil indigent legal services provided by city-funded attorneys.*

*b. Such report shall include:*

*1. Conclusions drawn from the surveys submitted pursuant to section 7-1021 and any other relevant indicators of quality that the coordinator deems appropriate; and*

*2. Recommendations for systemic changes that would improve clients' trust in, participation in and overall satisfaction with the civil indigent legal services provided by city-funded attorneys.*

*§ 2. Title 9 of the administrative code of the city of New York is amended by adding a new chapter 4 to read as follows:*

**CHAPTER 4  
CRIMINAL INDIGENT DEFENSE SERVICES**

**Subchapter 1  
General Provisions**

*§ 9-411 Definitions. For the purposes of this chapter, the following terms have the following meanings:*

*Client. The term "client" means a person represented in a criminal proceeding by a city-funded indigent criminal defense attorney.*

*Coordinator. The term "coordinator" means the coordinator of criminal justice services.*

**Subchapter 2**

**Client Satisfaction Surveys and Reporting**

*§ 9-421 Client satisfaction surveys. a. No later than 180 days after the effective date of the local law that added this chapter, the coordinator shall develop a survey for distribution to persons represented by city-funded indigent criminal defense attorneys and written instructions for submitting such survey to the coordinator when completed. Such survey and instructions each shall include a prominent notice informing the client that by submitting the survey, the client waives confidentiality with respect to the client's responses, including the existence of the representation. The coordinator shall provide different options for completing and submitting such survey, which options shall include, but need not be limited to, submission by mail, by telephone and electronically over the internet.*

*b. The survey required by subdivision a of this section shall contain questions designed to measure a client's satisfaction with his or her representation by a city-funded indigent criminal defense attorney according to the following factors:*

*1. The client's overall satisfaction with the attorney's performance;*

*2. The client's satisfaction with the level of participation he or she had in the representation;*

*3. The client's satisfaction with the attorney's investigation of the case;*

*4. The client's satisfaction with the efficiency of the attorney's use of time;*

*5. The client's satisfaction with the attorney's communications about the case in general and its possible outcomes; and*

*6. Any other factors that the coordinator deems important to gauging the client's satisfaction with the representation.*

*c. No later than 30 days after developing the survey pursuant to subdivision a of this section, the coordinator shall distribute to all city-funded indigent criminal defense attorneys who have one or more clients in criminal proceedings in the city or who have current contracts with the city:*

*1. Copies of the survey; and*

*2. Instructions for how the client can submit the survey by mail, by telephone or electronically over the internet.*



*d. Commencing 30 days after the coordinator develops the survey pursuant to subdivision a of this section, at the conclusion of any representation by a city-funded indigent criminal defense attorney such attorney shall provide the client with the materials listed in subdivision c of this section. Completion of the survey by the client is optional. The client shall submit any completed survey directly to the mayor's office of criminal justice according to the instructions provided with the survey. The city shall bear the cost of submission of surveys.*

*e. The coordinator shall retain every survey collected pursuant to this section for at least two years.*

*§ 9-422 Reporting. a. No later than October 1 of each year, the coordinator shall submit a report to the mayor and the council on the quality and effectiveness of representation provided by city-funded indigent criminal defense attorneys.*

*b. Such report shall include:*

*1. Conclusions drawn from the surveys submitted pursuant to section 9-402 and any other relevant indicators of quality that the coordinator deems appropriate; and*

*2. Recommendations for systemic changes that would improve clients' trust in, participation in and overall satisfaction with the legal services provided by city-funded indigent criminal defense attorneys.*

*§ 3. This local law takes effect immediately.*

Referred to the Committee on Justice System.

Int. No. 528

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation to charge senior citizens, young adults, active members of the military, veterans and their minor children and persons with disabilities reduced admission fees to recreational facilities**

*Be it enacted by the Council as follows:*

Section 1. Section 18-149 of the administrative code of the city of New York, as added by local law number 133 of the year 2017, is amended to read as follows:

*§ 18-149 Discounted fees. a. For the purposes of this section, the following terms have the following meanings:*

*Recreational facility. The term "recreational facility" means any land, building, structure or improvement maintained and operated by the department, including but not limited to existing community recreational centers, museums, zoos, wildlife sanctuaries, botanical gardens and conservation centers.*

*Veteran. The term "veteran" means a person:*

*1. Who served in the active military or naval service of the United States; in active duty in a force of any organized state militia in a full-time status; or in the reserve armed forces of the United States in active duty; and*

*2. Who was released from such service otherwise than by dishonorable discharge.*

*b. Annual membership and admissions fees for each recreation [center] facility under the jurisdiction of the department shall be reduced for:*

*[persons] 1. Persons 62 years of age or older[,];*

*[persons] 2. Persons between 18 and 24 years of age[,];*

*[veterans] 3. Veterans and active members of the United States military and their minor children; and*

*[persons] 4. Persons with disabilities.*

*b. Such reduced fees shall be no greater than 25 percent of the highest annual membership fee or admission fee charged at such recreation center or facility.*

*§ 2. This local law shall take effect 180 days after it becomes law, except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.*

Referred to the Committee on Parks and Recreation.

Int. No. 529

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring local representation on park conservancy boards**

*Be it enacted by the Council as follows:*

Section 1. Section 18-137 of the administrative code of the city of New York, as added by local law number 91 for the year 2009, is amended to read as follows:

§ 18-137 Representation on park conservancies. a. [For purposes of] *As used in this section*[, the following terms shall have the following meanings]:

[1. “Conservancy” shall mean any not-for-profit entity that operates any park or portion of any park under the jurisdiction of the commissioner, pursuant to a written conservancy arrangement, provided that “conservancy” shall not include any not-for-profit entity that operates in three or more boroughs.]

[2. “Conservancy arrangement” shall mean any] *Conservancy arrangement. The term “conservancy arrangement” means a license or other written authorization allowing a [conservancy] not-for-profit entity to [operate] (i) hire or otherwise engage, or provide funds for hiring or otherwise engaging, any person to perform work in any park, or [portion of any park] portion thereof, under the jurisdiction of the commissioner, (ii) raise, accept or administer public funds to improve or maintain any such park or portion thereof or (iii) raise, accept or administer private funds to improve or maintain any such park or portion thereof, where such funds are derived in any way from the use of such park or portion thereof.*

[3. “Operates” shall mean the ability to hire a majority of full time staff for such park.]

[4. “Local representative” shall mean] *Local representative. The term “local representative” means an individual who resides within or whose place of business is located within a council district in which such park is located or which such park abuts.*

b. Any conservancy [arrangement entered into, renewed or otherwise granted or executed on or after the effective date of the local law that added this section] *arrangement, including an existing conservancy arrangement*, shall require that at least one local representative from each council district where such park is located [or which such park abuts] be a voting member of the board of directors, or other governing body of [such conservancy, provided that no more than one local representative from each council district in which such park is located and one local representative from two of the council districts which abut such park shall be required, and provided further that no more than twenty percent of the total appointed or elected membership of such conservancy's board of directors or other governing body shall be required to be local representatives] *the not-for-profit entity subject to such arrangement. [Such] For each such district, the local [representatives] representative shall be designated [in consultation with] by the council [members] member representing [the districts in which the park is located or which abut such park. The nature of such consultation shall be determined by the department, provided that the department shall make the designation of each local representative not less than thirty days following its initial consultation with the appropriate council member, during which time the council member may make a written recommendation regarding the local representative to be designated from their district. In the event that representation from council districts from which a local representative may be designated would in the aggregate be greater than twenty percent of the total appointed membership of such conservancy's board of directors or other governing body or there are more than two council districts abutting such park, the department may determine which council districts shall be represented initially, in consultation with the appropriate council members, with districts from which local representatives shall be designated rotating thereafter in a manner to be determined by the department] such district.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Parks and Recreation.

## Int. No. 530

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to periodic inspections of elevators in public housing**

*Be it enacted by the Council as follows:*

Section 1. Section 28-103.16 of the administrative code of the city of New York is amended to read as follows:

**§ 28-103.16 Inspections of existing buildings, structures, signs, service equipment and construction machinery and equipment.** In addition to other required inspections, the commissioner may make or require inspections of existing buildings, structures, signs, service equipment installations and construction machinery and equipment to ascertain compliance with the provisions of this code and other laws that are enforced by the department. Such inspections may be made on behalf of the department by officers and employees of the department and other city departments and governmental agencies; and by approved agencies, special inspectors or other persons when the commissioner is satisfied as to their qualifications and reliability, *except that periodic inspections of elevators, pursuant to section 28-304.6.1 of the administrative code and Appendix K of the New York city building code, shall only be performed by the department.* The commissioner may accept inspection and test reports from persons authorized by this code or by the commissioner to perform such inspections. Such reports shall be filed with the department.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Public Housing.

## Int. No. 531

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to enacting the Child Protection Notification Act.**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-170 to read as follows:

*§14-170. Arrest of individuals with minor children. a. For the purposes of this section, the term “primary caregiver” shall mean the person who is primarily responsible for providing care to a child under the age of eighteen.*

*b. Upon making an arrest, the department shall ascertain whether the individual being arrested is the primary caregiver to a child under the age of eighteen. In the event that the department determines such individual is the primary caregiver to a child under the age of eighteen, the department shall notify the administration for children’s services of such an arrest, unless the department determines that doing so would jeopardize an ongoing investigation.*

§2. This local law shall take effect 60 days after its enactment into law.

Referred to the Committee on Public Safety.

## Int. No. 532

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on the number of arrests that were voided by the police, or were declined to be prosecuted by the local prosecutor**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 4 of subdivision a of section 14-150 of chapter 1 of title 14 of the administrative code of the city of New York is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; *voided arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; declined prosecutions (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division;* summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board notice of violation, or criminal court summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include the total number of complaints of all sex offenses as defined in article 130 of the New York state penal law, in total and disaggregated by the following offenses: rape as defined in sections 130.25, 130.30, and 130.35; criminal sexual act as defined in sections 130.40, 130.45, and 130.50; misdemeanor sex offenses as defined in sections 130.20, 130.52, 130.55, and 130.60; sexual abuse as defined in sections 130.65, 130.65-a, 130.66, 130.67, and 130.70; course of sexual conduct against a child as defined in sections 130.75 and 130.80; and predatory sexual assault as defined in sections 130.95 and 130.96. Such report shall also include the total number of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation, pursuant to the following timetable:

1. Beginning January first, two thousand fourteen, the thirty largest parks, as determined by acreage;
2. Beginning June first, two thousand fourteen, the one hundred largest parks, as determined by acreage;
3. Beginning January first, two thousand fifteen, the two hundred largest parks, as determined by acreage;
4. Beginning January first, two thousand sixteen, the three hundred largest parks, as determined by acreage;
5. Beginning January first, two thousand seventeen, all parks one acre or greater in size; and
6. Beginning January first, two thousand eighteen, all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size.

The department shall conspicuously post all quarterly reports of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation online via the department's website within five business days of the department's submission of such reports to the council.

§2. Paragraph 8 of subdivision b of section 14-150 of chapter 1 of title 14 of the administrative code of the city of New York is amended to read as follows:

8. For purposes of this section, the following terms shall have the following meanings: (i) "*voided arrest*" means an arrest made by a uniformed member of the service or a civilian, that is subsequently nullified because there is found to be reasonable cause to believe the arrestee did not commit the offense, or any related offense, or it is subsequently determined that no offense has been committed. (ii) "*declined prosecutions*" means when

*the District Attorney declines to prosecute charges made pursuant to an arrest. (iii)[(i)] “firearms incident” means any incident during which one or more New York city police officers discharge any firearm, or when a firearm belonging to a New York city police officer is discharged by any person, except for a discharge during an authorized training session, or while lawfully engaged in target practice or hunting, or at a firearms safety station within a department facility; (iv)[(ii)] “subject” means a person engaged in adversarial conflict with an officer or third party, in which the conflict results in a firearms discharge; (v)[(iii)] “civilian” means a person who is not the subject in the adversarial conflict but is included as a victim, bystander, and/or injured person; (vi)[(iv)] “officer” means a uniformed member of the department, at any rank; (vii)[(v)] “intentional firearms discharge” means a firearms discharge in which an officer intentionally discharges a firearm, which may include firearms discharges that are determined to be legally justified but outside department guidelines; (viii)[(vi)] “adversarial conflict” means an incident in which an officer acts in defense of self or another during an adversarial conflict with a subject and does not include an animal attack or situations in which an officer only intentionally discharges a firearm to summon assistance; (ix)[(vii)] “unintentional firearms discharge” means a firearms discharge in which an officer discharges a firearm without intent, regardless of the circumstance, commonly known as an accidental discharge; and (x)[(viii)] “unauthorized use of a firearm” means a firearms discharge that is considered unauthorized and is not listed as an intentional firearms discharge, is being discharged without proper legal justification, and includes instances when an unauthorized person discharges an officer's firearm*

§ 3. This local law takes effect immediately upon enactment.

Referred to the Committee on Public Safety.

Int. No. 533

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to enacting the Diplomatic Immunity Notification Act**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-171 to read as follows:

§ 14-171 *Diplomatic immunity notification. a. For the purposes of this section, the term “diplomatic immunity” shall mean the immunity granted to individuals under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, section 254b or 254c of title 22 of the United States code, or under any other laws extending diplomatic privileges.*

*b. The department shall notify the United States Department of State and the Speaker of the City Council of any incident in which a person entitled to diplomatic immunity has been arrested for a crime or would have been arrested for a crime but for his or her diplomatic immunity within five calendar days of such incident. Such notification shall include the name of the person entitled to diplomatic immunity; the person’s title, position and/or assignment in the United States; and the date, time, location and nature of the incident, including the penal law provision(s) such individual is alleged to have violated.*

*c. Beginning on January 31, 2019, and on every January 31 thereafter, the department shall issue a report to the Mayor, the Speaker of City Council, and the United States Department of State on the total number of incidents reported pursuant to subsection b of this section during the previous calendar year.*

§ 2. This local law shall take effect 60 days after its enactment into law.

Referred to the Committee on Public Safety.

## Int. No. 534

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that all hotels in the city of New York provide their housekeeping staff with silent alarms for their protection**

*Be it enacted by the Council as follows:*

Section 1. Section 10-101 of the administrative code of the city of New York is amended by lettering the existing paragraph as subdivision a and by adding a new subdivision b to read as follows:

a. The owners and proprietors of all manufactories, hotels, tenement houses, apartment houses, office buildings, boarding and lodging-houses, warehouses, stores and offices, theatres and music halls, and the authorities or persons having charge of all hospitals and asylums, and of the public schools and other public buildings, churches and other places where large numbers of persons are congregated for purposes of worship, instruction or amusement, and all piers, bulkheads, wharves, pier sheds, bulkhead sheds or other waterfront structures, shall provide such means of communicating alarms of accident or danger to the police department, as the police commissioner may prescribe.

b. 1. *The owners and proprietors of all hotels shall provide their housekeeping staff with silent alarms for their personal protection as the police commissioner may prescribe.*

2. *The department of consumer affairs shall enforce the provisions of this subdivision, receive complaints regarding non-compliance with this chapter and investigate any such complaints received by the department of consumer affairs in a timely manner.*

i. *Any person alleging a violation of this chapter shall have the right to file a complaint with the department of consumer affairs within one hundred eighty days of the date such person knew or should have known of the alleged violation.*

ii. *Any person claiming to be aggrieved by an act that violates this section may make, sign and file with the department of consumer affairs a verified complaint in writing and proceed with such complaint. Upon receiving a complaint alleging a violation of this section, the department of consumer affairs shall investigate such complaint. The department of consumer affairs shall keep complainants reasonably notified regarding the status of their complaint and any resultant investigation. If the department of consumer affairs believes that a violation has occurred, it shall issue a notice of violation to the employer that is the subject of the complaint. The commissioner of consumer affairs shall prescribe the form and wording of such notices of violation. The notice of violation shall be returnable to the administrative tribunal authorized to adjudicate violations of this chapter.*

iii. *The department of consumer affairs may also itself make, sign and file a verified complaint alleging that an employer has violated this section and proceed with such complaint pursuant to the provisions of subparagraph ii of this section.*

iv. *Any owner or proprietor who violates this subdivision shall be subject to a fine of not more than fifty dollars for each instance a silent alarm was not provided to a housekeeper pursuant to subdivision b of this section up to a maximum of one thousand dollars per building.*

§ 2. This local law shall take effect ninety days after it shall have been enacted into law.

Referred to the Committee on Public Safety.

## Int. No. 535

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to obtain parental consent prior to a minor serving in an identification procedure.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-173 to read as follows:

*§ 14-173. Use of minors in an identification procedure.*

*a. Definitions. As used in this section, the following terms have the following meanings:*

*Consent form. The term “consent form” means a written document that includes the following:*

- 1. a description of the lineup procedure;*
- 2. the time, date, and location of the lineup;*
- 3. the name of the supervising officer;*
- 4. if the minor’s image or likeness will be used in any other identification procedure; and*
- 5. a space for the signature of the minor’s parent or legal guardian to provide consent to the procedure.*

*Lineup. The term “lineup” means a department arranged identification procedure in which a criminal suspect is placed in a line with non-suspect participants for the purpose of identification by a witness.*

*3. Minor. The term “minor” means any person under the age of 18.*

*4. Non-suspect participant. The term “non-suspect participant” means a person who is not a suspect for the crime being investigated but is participating in a lineup as a filler.*

*b. Use of minors in an identification procedure. The department shall obtain a consent form prior to the participation of a minor as a non-suspect participant in a lineup. Such consent form shall be signed and dated by such minor’s parent or legal guardian.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Public Safety.

Int. No. 536

By Council Member Lancman.

**A Local Law to amend the administrative code of the City of New York, in relation to chokeholds**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 10-179 to read as follows:

*§ 10-179 Chokeholds.*

*a. Definitions. For the purposes of this section “chokehold” means to wrap an arm around or grip the neck in a manner that limits or cuts off either the flow of air by compressing the windpipe, or the flow of blood through the carotid arteries on each side of the neck.*

*b. Chokehold prohibited. No person shall use a chokehold in the course of effecting or attempting to effect an arrest.*

*c. Penalties.-Any person who violates subdivision b of this section shall be guilty of a misdemeanor punishable by imprisonment of not more than one year and a fine of not more than two thousand five hundred dollars, or both.*

*d. Any penalties resulting from a violation of subdivision b of this section shall not limit or preclude any cause of action available to any person or entity injured or aggrieved by such violation.*

*§ 2. This local law shall take effect 60 days after its enactment into law.*

Referred to the Committee on Public Safety.

## Int. No. 537

By Council Member Lancman.

**A Local Law to amend the New York city charter, in relation to use of injurious physical force by law enforcement officers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 18 of the New York city charter is amended by adding a new section 439 to read as follows:

*§439. Use of injurious physical force by law enforcement officers.*

*a. This section shall be known as and may be cited as the "Proportionate Policing Act."*

*b. Uniformed and nonuniformed members of the police force may use injurious physical force during the course of their duties as is proportionately necessary to protect themselves or others from the threat of harm or death, which they perceive to be imminent.*

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

## Int. No. 538

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to criminally negligent infliction of physical injury**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 10-177 to read as follows:

*§ 10-177. Criminally negligent infliction of physical injury. a. Definitions. The following definitions are applicable to this section:*

*1. "Criminal negligence." A person acts with criminal negligence when he or she fails to perceive a substantial and unjustifiable risk that will result in physical injury. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.*

*2. "Physical injury." Physical injury means an impairment of a physical condition or substantial pain.*

*b. Criminally negligent infliction of physical injury. A person is guilty of criminally negligent infliction of physical injury when, with criminal negligence, he or she causes physical injury to another person.*

*c. Penalties. Any person who violates subdivision b of this section shall be guilty of a misdemeanor punishable by imprisonment of not more than one year and a fine of not more than two thousand five hundred dollars, or both.*

*d. Any penalties resulting from a violation of subdivision b of this section shall not limit or preclude any cause of action available to any person or entity injured or aggrieved by such violation.*

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Public Safety.



## Int. No. 539

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to due care and the right of way of pedestrians and bicyclists**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions a, b, and c of section 19-190 of the administrative code of the city of New York are amended to read as follows:

a. Except as provided in subdivision b of this section, any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way *and fails to exercise due care with consideration given to visibility, illumination, weather conditions, roadway conditions, roadway design, faulty vehicular equipment or design, and whether such pedestrian or person was in violation of any provision of articles 27 or 34 of the vehicle and traffic law at the time of such failure to yield*, shall be guilty of a traffic infraction, which shall be punishable by a fine of not more than fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall be subject to a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "motor vehicle" shall have the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

b. [Except as provided in subdivision c of this section, a] Any driver of a motor vehicle who violates subdivision a of this section and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than two hundred fifty dollars, or imprisonment for not more than thirty days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law.

[c. It shall not be a violation of this section if the failure to yield and/or physical injury was not caused by the driver's failure to exercise due care.]

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

## Int. No. 540

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that the department of transportation maintain curb heights following street construction**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-147 of the administrative code of the city of New York, as amended and renumbered by local law number 104 for the year 1993, is amended to read as follows:

§ 19-147. Replacement of pavement and maintenance of street hardware.

a. General provisions. Whenever any pavement, sidewalk, curb or gutter in any street shall be taken up, the person or persons by whom or for whose benefit the same is removed shall restore such pavement, sidewalk, curb or gutter to its proper condition to the satisfaction of the commissioner of transportation. *The department shall ensure that appropriate curb heights are maintained whenever the department takes up and restores any pavement, sidewalk, curb or gutter in any street.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Int. No. 541

By Council Member Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the provision of advance notice of temporary changes to parking restrictions as a result of road repairs**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 19-175.2 of the administrative code of the city of New York, as added by local law number 78 of the year 2009, is amended to read as follows:

b. Before the department makes temporary parking restriction changes to conduct road repairs, it shall post notice, *in the affected areas*, of the effective date of such restrictions [as soon as practicable] *at least 72 hours in advance*. Such notice shall state that no notice of violations shall be issued for violations of such temporary parking restrictions and that if an owner's motor vehicle is missing from the affected streets, the motor vehicle may have been towed and the motor vehicle owner should contact the local police precinct for information about the location of such motor vehicle.

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 542

By Council Member Lancman.

**A Local Law to amend the New York city charter, in relation to requiring the office to combat domestic violence to provide clients with service satisfaction surveys.**

*Be it enacted by the Council as follows:*

Section 1. Section 19 of the New York city charter is amended by adding a new subdivision g to read as follows:

*g.1. For purposes of this subdivision, the following terms shall have the following meanings:*

*(a) "Family justice centers" means the centers and any successor locations through which the office to combat domestic violence or successor entity provides services to victims of domestic violence.*

*(b) "Victim status" means domestic violence, sexual abuse, elder abuse, human trafficking or any other category the office to combat domestic violence deems appropriate.*

*2. The office to combat domestic violence shall provide all individuals with service satisfaction surveys after individuals receive domestic violence services from the family justice centers. Completion of such surveys shall not be mandatory and shall be anonymous. Not later than the first day of November of the year 2018 and annually thereafter, the office to combat domestic violence shall submit to the council all data from service satisfaction surveys completed from July 1 of the prior year to June 30 of the current year which shall be disaggregated by borough and victim status*

*3. All agencies shall provide upon request from the office to combat domestic violence all information needed for compliance with this subdivision. The office to combat domestic violence shall also make best efforts*

*to ensure that all other entities provide information as may be necessary to carry out the provisions of this subdivision, in accordance with applicable laws, rules and regulations.*

§2. This local law shall take effect 90 days following its enactment into law.

Referred to the Committee on Women.

Int. No. 543

By Council Members Lander, Richards, Reynoso, Rose and Adams.

**A Local Law to amend the New York city charter, in relation to improving public information about concentrated siting of city facilities**

*Be it enacted by the Council as follows:*

Section 1. Section 204 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended by adding a new subdivision a-1 to read as follows:

*a-1. 1. Beginning in 2017, for every facility listed in the statement, the statement shall include the facility's type, according to the illustrative listing of facility types in attachments a, b and c to the criteria for the location of city facilities as adopted pursuant to section 203. The statement also shall include a ranked index of the relative concentration of each such facility type in each community district, based on the ratio of facility capacity per thousand population in each community district, and, if the type of facility in question targets or serves a particular segment of the population, based on the ratio of facility capacity per thousand of such target population.*

*2. Beginning in 2017, for every facility listed in the statement, the statement shall include the facility's use type according to the use codes and types used by the department of citywide administrative services to categorize city owned and leased properties. The statement also shall include, for every use code applicable to a facility listed in the statement, a ranked index of community districts based on the ratio of facility capacity per thousand population in each community district, and, if the type of facility in question targets or serves a particular segment of the population, based on the ratio of facility capacity per thousand of such target population.*

§ 2. This local law takes effect 45 days after it becomes law.

Referred to the Committee on Land Use.

Int. No. 544

By Council Members Lander, Richards, Rose and Adams.

**A Local Law to amend the New York city charter, in relation to reducing overconcentration of city facilities in certain community districts**

*Be it enacted by the Council as follows:*

Section 1. Section 197-d of the New York city charter, as added by vote of the electors on November 7, 1989, is amended by to read as follows:

§ 197-d. Council Review. a. The city planning commission shall file with the council and with the affected borough president a copy of its decisions to approve or approve with modifications (1) all matters described in subdivision a of section [one hundred ninety-seven-c] 197-c, (2) plans pursuant to section [one hundred ninety-seven-a] 197-a, [and] (3) changes in the text of the zoning resolution pursuant to sections [two hundred and two hundred one.] 200 and 201, and (4) any prohibited facility siting or expansion that proceeds pursuant to paragraph 4 of subdivision a of section 203. Any such filing of a decision pursuant to section [one hundred

ninety-seven-c] 197-c shall be completed prior to the expiration of the [sixty-day] 60-day period for action by the commission. Any such filing with the council shall include copies of all written recommendations of community boards, borough boards and borough presidents with respect to the decision being filed.

b. The following decisions filed with the council pursuant to subdivision a of this section, shall be subject to review and action by the council:

(1) any decision of the city planning commission to approve or approve with modifications a matter described in paragraph [three] (3) or [eight] (8) of subdivision a of section [one hundred ninety-seven-c] 197-c, a disposition of residential real property (as defined in this paragraph) pursuant to paragraph [ten] (10) of subdivision a of section [one hundred ninety-seven-c] 197-c (except for dispositions to companies that have been organized exclusively to develop housing projects for persons of low income), a plan pursuant to section [one hundred ninety-seven-a] 197-a, or a change in the text of the zoning resolution pursuant to sections [two hundred] 200 or [two hundred one] 201. For purposes of this section, residential real property [shall mean] means real property improved by structures, whether or not occupied, built for or converted to a use which is primarily residential, but [shall] *does* not include property subsequently converted to non-residential use;

(2) any other decision of the city planning commission to approve or approve with modifications a matter described in subdivision a of section [one hundred ninety-seven-c] 197-c, if (i) both an affected community board (after holding a public hearing) and the affected borough president, within the time periods allotted for their reviews pursuant to section [one hundred ninety-seven-c] 197-c, have recommended in writing against approval and (ii) the affected borough president, within five days of receiving a copy of the decision of the commission, files with the commission and the council a written objection to the decision; and

(3) any other decision of the city planning commission to approve or approve with modifications a matter described in subdivision a of section [one hundred ninety-seven-c] 197-c or any otherwise prohibited facility siting or expansion that proceeds pursuant to paragraph 4 of subdivision a of section 203, if within [twenty] 20 days of the filing of such decision pursuant to subdivision a of this section, the council resolves by the majority vote of all the council members to review the decision of the commission.

c. Within [fifty] 50 days of the filing with the council pursuant to subdivision a of this section of any decision of the city planning commission which pursuant to subdivision b of this section is subject to review by the council, the council shall hold a public hearing, after giving public notice not less than five days in advance of such hearing, and the council, within such [fifty] 50 days, shall take final action on the decision. [The] *An* affirmative vote of a majority of all the council members [shall be] *is* required to approve, approve with modifications or disapprove such a decision. If, within the time period provided for in this subdivision and, if applicable, in subdivision d of this section, the council fails to act or fails to act by the required vote on a decision of the city planning commission subject to council review pursuant to subdivision b of this section, the council shall be deemed to have approved the decision of the commission.

d. The council shall not approve with modifications a commission decision if the commission has determined pursuant to this subdivision that additional review of the modifications is required. Prior to approving a decision of the commission with modifications, the council shall file the text of any such proposed modifications with the commission. Within [fifteen] 15 days of such filing, the commission shall file with the council a written statement indicating whether such proposed modifications are of such significance that additional review of environmental issues or additional review pursuant to section [one hundred ninety-seven-c] 197-c or paragraph 4 of subdivision a of section 203 is required. If no additional review is required, the commission may include in such statement its advisory recommendation concerning the proposed modifications, together with any proposed amendments to the proposed modifications. The council may thereafter approve such proposed modifications, with or without the amendments proposed by the commission. The time period for council action shall be tolled during such [fifteen-day] 15-day period; provided, however, that proposed modifications may be referred to the commission pursuant to this subdivision only once with respect to each application or group of related applications under review by the council.

e. All actions of the council pursuant to this section shall be filed by the council with the mayor prior to the expiration of the time period for council action under subdivisions c and, if applicable, d of this section. Actions of the council pursuant to this section shall be final unless the mayor within five days of receiving a filing with respect to such an action of the council files with the council a written disapproval of the action. Any mayoral disapproval under this subdivision shall be subject to override by a two-thirds vote of all the council members within [ten] 10 days of such filing by the mayor.

f. The mayor [shall have the right to] *may* file a written disapproval of any approval deemed to have occurred pursuant to subdivision c of this section as a result of a failure of the council to act or to act by the required vote. Any such written disapproval must be filed within five days of the expiration of the time period for action by the council under subdivisions c and, if applicable, d of this section. Any mayoral disapproval under this subdivision shall be subject to override by a two-thirds vote of all the council members within [ten] 10 days of such filing by the mayor.

g. If a decision of the commission approving an application is not subject to council review pursuant to paragraph [one] (1) of subdivision b of this section or is not made subject to council review pursuant to [paragraphs two] *paragraph* (2) or [three] (3) of subdivision b of this section, the mayor may nonetheless file with the council a written objection to such decision of the commission within five days of the expiration of time for the council to act under paragraph [three] (3) of subdivision b of this section. Any mayoral objection under this subdivision shall be subject to override by a two-thirds vote of all the council members within [ten] 10 days of such filing by the mayor.

§ 2. Subdivision a of section 203 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended by to read as follows:

§ 203. Criteria for location of city facilities. a. 1. Not later than [the first day of July, nineteen hundred ninety] *March 1, 2019*, the mayor, after consulting with each of the borough presidents, shall file with the city planning commission proposed rules establishing criteria for [(1)] (i) the location of new city facilities and [(2)] (ii) the significant expansion, closing or significant reduction in size or capacity for service delivery of existing facilities. *The city planning commission shall review and may modify the rules proposed by the mayor. Not more than 30 days after the mayor's proposed rules are filed, the city planning commission shall commence rulemaking under section 1043 with regard to such rules, as initially proposed or as the commission proposes to modify them. Once adopted, the city planning commission shall file the rules with the council.*

2. The criteria shall be designed to further the fair distribution among communities of the burdens and benefits associated with city facilities, consistent with community needs for services and efficient and cost effective delivery of services and with due regard for the social and economic impacts of such facilities upon the areas surrounding the sites. [Not later than thirty days after the filing of such proposed rules, the city planning commission shall publish a notice of proposed rule making under section one thousand forty-three with regard to such rules, as proposed by the mayor or as proposed to be modified by the commission. Promptly thereafter, the commission shall approve or approve with modifications the rules and shall file the rules as approved with the council.]

3. *The criteria shall be designed to prohibit the siting of any new city facility or the significant expansion of any city facility in any of the top 10 percent of districts that have the highest ratios of capacity to district resident population. For the purposes of this section, the term "capacity" means the cumulative total in existing similar facilities, including such facility in the case of a proposed expansion.*

4. *Notwithstanding the prohibition against siting or expanding a facility pursuant to paragraph 3 of this subdivision, the commission may proceed with an otherwise prohibited siting or expansion based upon a demonstration that the facility in question serves a particular need of the community in such district, extending no further than the district or area in which the majority of persons served by the facility live or work, provided, however, that in assessing such particular need the commission shall not take into account need caused by the presence of similar existing facilities within such district.*

5. *For any otherwise prohibited facility siting or expansion that proceeds pursuant to paragraph 4 of this subdivision, the commission shall issue and file with the council and the affected borough president a written statement indicating:*

- (a) *The vote of each member of the commission, or if absent or failing to vote, indicating such fact; and*
- (b) *How the proposed siting meets the requirements of paragraph 4 of this subdivision.*

6. *Actions taken by the commission pursuant to paragraph 4 of this subdivision are subject to council review pursuant to section 197-d.*

7. *The commission shall establish and maintain a publicly accessible online database to track the status of any facility siting made pursuant to paragraph 4 of this subdivision.*

(a) *The commission shall record such sitings in the database within 30 days of final approval of a siting proposal and shall update the progress towards the opening of such facility if new, or the expansion of such facility if an existing facility, not less than annually thereafter. The record of each siting in such database shall*

*include the application number of the related city-sponsored facility proposal and the date such proposal was finally approved.*

*(b) Beginning June 30, 2019, and annually thereafter, the commission shall report to the mayor, the council, the borough presidents and the community boards a listing of any prohibited facility siting that does not progress or that is sited in an alternative location based upon a demonstration made pursuant to paragraph 4 of this subdivision.*

§ 3. Section 315 of the New York city charter, as amended by local law number 135 for the year 2013, is amended by to read as follows:

§ 315. Emergency Procurement. *a.* Notwithstanding the provisions of section [three hundred twelve] 312 of this chapter, in the case of unforeseen danger to life, safety, property or a necessary service, an emergency procurement may be made with the prior approval of the comptroller and corporation counsel, provided that:

[such] *1.* Such procurement shall be made with such competition as is practicable under the circumstances, consistent with the provisions of section [three hundred seventeen] 317 of this chapter; *and*

*2.* In the case of procuring or significantly expanding the use of any facility subject to the criteria established pursuant to section 203, such procurement or significant expansion shall be made consistent with any prohibition against locating or expanding that facility in any of the top 10 percent of community districts that have the highest ratios of facility capacity to district resident population as prescribed by the process set forth in section 203.

*b.* A written determination of the basis for the emergency and the selection of the contractor shall be placed in the agency contract file, and shall further be submitted to the council no later than [fifteen] 15 days following contract award, and the determination or summary of such determination shall be included in the notice of the award of contract published pursuant to section [three hundred twenty-five] 325 of this chapter.

§ 4. This local law takes effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Land Use.

Int. No. 545

By Council Members Lander and Van Bramer.

**A Local Law in relation to establishing a public library commission.**

*Be it enacted by the Council as follows:*

Section 1. *a.* There is hereby established a temporary public library commission that shall study and make recommendations in relation to the city's library systems, including but not limited to the evaluation of opportunities for innovation and continued operation of such systems.

*b.* The mayor shall appoint five members and the speaker of the council shall appoint four members, with all such appointments occurring not more than ninety days following the enactment of this local law. The members of such commission shall serve without compensation.

*c.* The commission shall meet at least quarterly and no later than January 1, 2019, the commission shall post on the city's website and submit to the speaker of the council and the mayor a report concerning the city's public library systems. Such report shall include, but not be limited to, recommendations for the city's public library systems in relation to: governance and oversight; capital planning; coordination between such systems and between such systems and the city; possible increased and sustainable sources of funding; and the role of technology, including allocation of resources for technology related services and programs in relation to resources for books.

*d.* The commission shall terminate following the submission of the report required pursuant to subdivision c of this local law.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 546

By Council Member Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on student attrition and backfill data.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new chapter 13 to title 21-A to read as follows:

*Chapter 13. Student Attrition and Backfill Data*

*§ 21-975 Student attrition and backfill data reporting.*

*a. For the purposes of this section the following terms shall have the following meanings:*

*Attrition. The term "attrition" means the number of students discharged from enrollment between the official first day of a school year and the official last day of a school year.*

*Backfill. The term "backfill" means the replacement of students who leave the school during the school year with new students.*

*Gifted and talented programs. The term "gifted and talented programs" means programs that are developed for and restricted to children who excel academically or in a special talent, and that are designed to provide enhanced, accelerated, enriched or extra instruction to such students, including but not limited to honors, advanced placement, college preparatory and accelerated placement classes, and programs at schools that limit admission to students with above average grades and/or who pass specialized admission tests.*

*Specialized school. The term "specialized school" means any school where admission is based on the specialized high school admission test or an audition.*

*b. Not later than November 1, 2018, and no later than November 1st annually thereafter, the chancellor shall prepare and submit to the speaker of the council a report on student attrition and backfill data for the prior school year. Such report shall include, but not be limited to, the following information with respect to specialized schools, gifted and talented programs, and charter schools disaggregated by grade, race, ethnicity, gender, English language learner status, special education status, and type of school:*

*1. The total number to students enrolled at each school at the beginning of the prior school year;*

*2. The attrition number and percentage for each school for the prior school year; and*

*3. backfill number and percentage for each school for the prior school year.*

*c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If the category contains between 0 and 9 students, or allows another category to be narrowed to be between 0 and 9 students, the number shall be replaced with a symbol.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Education.

Int. No. 547

By Council Member Levine.

**A Local Law in relation to establishing a bullying prevention task force**

*Be it enacted by the Council as follows:*

Section 1. Bullying prevention task force. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Bullying. The term “bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, whether verbal or nonverbal, including cyberbullying, that include, but are not limited to, conduct or threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, and that:

1. Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being;
2. Reasonably causes or would reasonably be expected to cause a student to fear for such student’s physical safety;
3. Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
4. Creates or would foreseeably create a risk of substantial disruption within the school environment, even if it occurs off school property, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Cyberbullying. The term “cyberbullying” means bullying or harassment that occurs through any form of electronic communication.

Department. The term “department” means the department of education.

School. The term “school” means a school of the city school district of the city of New York that contains any combination of grades from and including pre-kindergarten through grade 12.

b. There shall be a bullying prevention task force consisting of at least 13 members as follows:

1. The chancellor of the city school district of the city of New York, or the chancellor’s designee, who shall serve as chair;
2. The chairperson of the city commission on human rights, or the chairperson’s designee;
3. The commissioner of health and mental hygiene, or the commissioner’s designee;
4. The commissioner of the police department, or the commissioner’s designee;
5. At least five members appointed by the mayor, including school administrators, teachers, guidance counselors or other appropriate department employees, and experts in conflict resolution, bullying prevention, mental health, school safety or education; and
6. At least four members appointed by the speaker of the council, including school administrators, teachers, guidance counselors or other appropriate department employees, and experts in conflict resolution, bullying prevention, mental health, school safety or education.

c. Each member of the task force shall serve without compensation for a term of 12 months, to commence after the final member of the task force is appointed. All members shall be appointed within 60 days after the effective date of this local law.

d. No appointed member of the task force shall be removed except for cause by the appointing authority. In the event of a vacancy on the task force during the term of an appointed member, a successor shall be selected in the same manner as the original appointment to serve the balance of the unexpired term.

e. The ex officio members of the task force may designate a representative who shall be counted as a member for the purpose of determining the existence of a quorum and who may vote on behalf of such member, provided that such representative is an officer or employee from the same agency as the delegating member. The designation of a representative shall be made by a written notice of the ex officio member served upon the chairperson of the task force prior to the designee participating in any meeting of the task force, but such designation may be rescinded or revised by the member at any time. The ex officio members are the chancellor of the city school district of the city of New York, the chairperson of the city commission on human rights, the commissioner of health and mental hygiene and the commissioner of the police department.

f. The task force shall meet at least quarterly and shall hold at least two public meetings prior to submission of the plan required pursuant to subdivision h of this section to solicit public comment on preventing bullying in schools.

g. The mayor may designate one or more agencies to provide staffing and other administrative support to the task force.



h. No later than 12 months after the final member of the task force is appointed, the task force shall submit to the mayor and the speaker of the council a plan to prevent and address bullying in schools. In developing such plan, the task force shall consider the following:

1. Data and reports of the department related to bullying in schools, including any trends in the types of reported incidents of bullying;
2. Existing department policies, guidelines and resources related to bullying prevention;
3. Existing department methods and procedures for reporting and responding to bullying;
4. Existing department training programs to prevent bullying and to help school employees identify and respond to bullying; and
5. The level of coordination among appropriate city, state and federal agencies and other relevant organizations with regards to efforts to prevent and address bullying in schools.

i. The bullying prevention task force shall dissolve upon submission of the plan required pursuant to subdivision h of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 548

By Council Member Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the City to be responsible for sidewalks outside of buildings owned by or used exclusively by nonprofit organizations**

*Be it enacted by the Council as follows:*

Section 1. Section 7-210 of the administrative code of the city of New York, as added by local law number 49 for the year 2003, is amended to read as follows:

§ 7-210 Liability of real property owner for failure to maintain sidewalk in a reasonably safe condition. *a. Definitions. For purposes of this section, the term “nonprofit” means an organization operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.*

[a.] *b.* It shall be the duty of the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to maintain such sidewalk in a reasonably safe condition.

[b.] *c.* Notwithstanding any other provision of law, the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain such sidewalk in a reasonably safe condition. Failure to maintain such sidewalk in a reasonably safe condition shall include, but not be limited to, the negligent failure to install, construct, reconstruct, repave, repair or replace defective sidewalk flags and the negligent failure to remove snow, ice, dirt or other material from the sidewalk. This subdivision shall not apply to one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, *nor shall this subdivision apply to real property that is (i) owned by a nonprofit or (ii) used exclusively for nonprofit purposes.*

[c.] *d.* Notwithstanding any other provision of law, the city shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to maintain sidewalks (other than sidewalks abutting one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, *or sidewalks abutting real property that is (i) owned by a nonprofit or (ii) used exclusively for nonprofit purposes.*) in a reasonably safe condition. This subdivision shall not be construed to apply to the liability of the city as a property owner pursuant to subdivision b of this section.

[d.] *e.* Nothing in this section shall in any way affect the provisions of this chapter or of any other law or rule governing the manner in which an action or proceeding against the city is commenced, including any provisions requiring prior notice to the city of defective conditions.

§ 2. Section 19-152 of the administrative code of the city of New York is amended by adding a new subdivision t to read as follows:

*t. This section shall not apply where the property is owned by a nonprofit or used exclusively by a nonprofit. For purposes of this subdivision, the term "nonprofit" means an organization operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 549

By Council Member Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to the rights and responsibilities of tenants and owners regarding the lawful collection of rents**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision b of section 26-1102 of the administrative code of New York, as added by local law 45 of 2014, is amended to read as follows:

(1) owners' responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, *the limitation on the collection of rents if the owner violates the dwelling's certificate of occupancy*, and housing discrimination;

§ 2. This local law shall take effect 120 days after enactment, except that the commissioner of the department of housing preservation and development may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 550

By Council Member Levine.

**A Local Law in relation to the creation of an affordable housing lottery task force.**

*Be it enacted by the Council as follows:*

Section 1. a. There is hereby established an affordable housing lottery task force to study lottery systems used for affordable housing and to make recommendations to the mayor and council for maximizing access to such systems. Such task force shall consider, at a minimum, the time it takes to screen applicants, the efficacy of screening requirements, the distribution of information regarding lottery eligibility requirements, and shall identify legal, regulatory and other barriers to implementing recommendations of such task force.

b. Such task force shall comprise five members:

(1) The commissioner of housing preservation and development, or the designee thereof;

(2) Two members appointed by the mayor, provided that at least one such member shall have a background in affordable housing development; and

(3) Two members appointed by the speaker of the council, provided that at least one such member shall have a background in affordable housing development and at least one such member shall be a member, employee or director of, or otherwise affiliated with, an organization engaged in housing-related advocacy work.

c. The members of such task force shall be appointed within ninety days after the enactment of this local law.

d. Such task force shall meet at least monthly.

e. At the first meeting of such task force, the task force shall select a chairperson from among its members by majority vote of the task force.

f. Each member of such task force shall serve for a term of twelve months, to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

g. The department of housing preservation and development may provide staff to assist the task force.

h. No member of the task force shall be removed except for cause and upon notice and hearing by the official who appointed such member or, in the case of a succeeding member under subdivision f of this section, the official who appointed the succeeded member.

i. Members of the task force shall serve without compensation.

j. No more than twelve months after the date that the final member of the task force is appointed under subdivision f of this section, the task force shall submit to the mayor and the speaker of the council a report that shall include the findings and recommendations of the task force.

k. The task force shall dissolve upon submission of the report required by subdivision j of this section.

§2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 551

By Council Member Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of information regarding buyout agreements**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

**CHAPTER 21**  
**BUYOUT AGREEMENT DISCLOSURE REQUIREMENTS**

§ 26-2101 *Application.*

§ 26-2102 *Definitions.*

§ 26-2103 *Owner filing requirements.*

§ 26-2104 *Department reporting requirements.*

§ 26-2105 *Penalties and enforcement.*

§ 26-2101 *Application. This chapter applies to all buyout agreements executed on or after the effective date of this chapter.*

§ 26-2102 *Definitions. As used in this chapter:*

*"Buyout agreement" means an agreement wherein the owner of a rent-regulated unit agrees to pay the tenant of such unit money or other consideration in exchange for such tenant vacating such unit.*

*"Department" means the department of housing preservation and development and any successor thereto.*

*"Rent-regulated unit" means a dwelling unit or a rooming unit, as such terms are defined in section 12-10 of the New York city zoning resolution, for which the rent is regulated by law or rule.*

*§ 26-2103 Owner filing requirements. Within forty five days after the execution of a buyout agreement for a rent-regulated unit, the owner of such unit must provide the following to the department upon forms prescribed by the commissioner of the department: (1) name of the owner; (2) name of the tenant executing such agreement; (3) address of the rent-regulated unit which is the subject of the buyout agreement; (4) amount of money or consideration agreed upon in the buyout agreement; (5) date that the buyout agreement was executed; and (6) a copy of the executed buyout agreement.*

*§ 26-2104 Department reporting requirements. The department shall provide a report to the mayor and the council by January 31 of each year providing, at a minimum, the following information for each buyout agreement filed with the department in the previous year: (1) the address of the rent-regulated unit which was the subject of such buyout agreement; (2) the amount of money or consideration agreed upon in the buyout agreement; and (3) the date that the buyout agreement was executed.*

*§ 26-2105 Penalties and enforcement. An owner who is required to file a buyout agreement under this chapter and who fails to file in the time required by section 26-2103 shall be subject to a civil penalty of not less than one hundred dollars per day from the date set for such filing until the filing is properly made. Such penalty shall be recoverable by the department in a civil action brought in a court of competent jurisdiction or in a proceeding before the environmental control board.*

§2. This local law shall take effect 120 days after enactment, except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 552

By Council Members Levine and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to the posting of information online regarding tree stump removal**

*Be it enacted by the Council as follows:*

Section 1. 18-151 of the administrative code of the city of New York is amended to read as follows:

§ 18-151 Street tree maintenance information posted online. The department shall post on its website certain information relating to street tree maintenance and sidewalk repair. Such information shall be updated not less frequently than quarterly and shall, at a minimum, include the following:

1. The approximate date and location of each upcoming, regularly scheduled street tree pruning, street tree stump removal and street tree planting;
2. The date, location and status of each street tree pruning, street tree stump removal and street tree planting that occurred within the previous six months;
3. *The total number of tree stumps that are scheduled for removal but that have not yet been removed in each borough;*
4. For each planned sidewalk repair to address sidewalk damage that was (i) reported through a 311 citizen service center request or reported by other means of notification and (ii) caused by a street tree under the jurisdiction of the department:
  - (a) The approximate date and location of such repair; and
  - (b) The date of the initial request for repair.

[4.] 5. For work to address sidewalk damage (i) that was caused by a street tree under the jurisdiction of the department and (ii) where such repair or inspection commenced in the previous six months:

(a) For each sidewalk repair or inspection, the date, location and status of such repair or inspection, including the sidewalk rating that resulted from such inspection; and

(b) For each sidewalk inspection, the number of notifications concerning such damage received through the 311 citizen service center request or reported by other means of notification in the 90 day-period preceding commencement of such work.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of parks and recreation may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Parks and Recreation.

Int. No. 553

By Council Member Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to bulletproof vests used by the New York city police department**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-179 to read as follows:

*§ 10-179 Bulletproof vests. The department shall only utilize bulletproof vests that are:*

- a. Covered by their manufacturer's warranty;*
- b. Have not been in use for more than five years;*
- c. Have not been struck by any projectile from a firearm, or any similar projectile;*
- d. Fit their user properly in such a manner that they provide the protection for which they were designed;*
- e. Meet the standard for ballistic resistance classification IIIA as determined by the national institute of justice or any successor national institute of justice standard; and*
- f. Are not damaged in any other way that would substantially affect performance;*

§2. This local law takes effect 6 months after it becomes law.

Referred to the Committee on Public Safety.

Res. No. 169

**Resolution calling upon the New York State Department of Education to implement a robust requirement for civics education at the elementary, middle and high school level for all public schools in New York.**

By Council Member Levine.

**Whereas**, Civics, defined by Merriam Webster's Dictionary as the study of the rights and duties of citizens and of how government works, is an important component of a democratic society; and

**Whereas**, Civics education helps promote democratic ideals by preparing students to be engaged citizens; and

**Whereas**, Enhancing youth participation in community service and political engagement could help foster future behaviors that would provide long-term benefits to communities; and

**Whereas**, A robust civics curriculum in public schools could help to ensure such engagement; and

**Whereas**, The current civics curriculum required by the New York State Department of Education was designed in 2002 and has not been updated; and

**Whereas**, The core civics curriculum as outlined in a New York State Department of Education report

entitled “Participation in Government”, is designed to be a culminating course of study that focuses on “Social Studies Learning Standard—Civics, Citizenship, and Government”; and

**Whereas**, According to the report, a major aim of education in the State of New York is to prepare its students for “a productive and meaningful life as citizens in local, state, national, and international settings”; and

**Whereas**, It is essential that this curriculum be updated and enhanced and its implementation monitored; and

**Whereas**, In January 2014, the New York State Bar Association (NYSBA) President David Schraver sent a letter to Governor Andrew Cuomo about the critical need to enhance civics education in New York State; and

**Whereas**, A February 2014 statement issued by the NYSBA referenced a “shocking level of decline” in Americans’ grasp and understanding of the structure of American democracy as found by the Association’s Law Youth and Citizenship Committee’s report on civics education; and

**Whereas**, According to findings of this report, fifty-eight percent of New Yorkers cannot name either of their two current United States Senators; and

**Whereas**, Furthermore, the report indicates that only five percent of New Yorkers surveyed knew that the Constitution was designed to prevent both tyranny of the majority and of a small, influential minority; and

**Whereas**, As recently as 1999 New York was considered a model for history and civics education by many but has declined in its performance; and

**Whereas**, Changes in educational priorities which focus on factors such as career readiness and standardized test results are thought to exacerbate the lack of a first-rate civics focused curriculum; and

**Whereas**, According to the executive director of the Center for Civic Education, the United States is “focused more upon developing the worker at the expense of developing the citizen”; and

**Whereas**, Currently, in New York, social studies is considered a secondary curriculum placed under English Language Arts (ELA), resulting in history being taught through literature and therefore weakened; and

**Whereas**, A 2011 study by the Brennan Center gave New Yorkers failing grades in civic literacy and stated that meaningful democracy requires civic literacy and that civic illiteracy puts American democracy at risk; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Department of Education to implement a robust requirement for civics education at the elementary, middle and high school level for all public schools in New York.

Referred to the Committee on Education.

Res. No. 170

**Resolution calling upon the New York City Department of Education to offer kosher and halal meals in the Summer Meals Program.**

By Council Member Levine.

**Whereas**, New York City is facing an increasing crisis of poverty and hunger; and

**Whereas**, According to Hunger Free America (formerly the New York City Coalition Against Hunger), the City’s emergency food providers (food pantries and soup kitchens) reported a 6% increase in need for their services in 2017, on top of an increased demand of 9% in 2016, 5% in 2015, 7% in 2014, and 10% in 2013; and

**Whereas**, Further, the Coalition’s latest annual survey of hunger conducted in 2017 found that 13.9% of New York City residents - over 1.1 million - are food insecure, including 19.1% of children; and

**Whereas**, Most of these children have access to free, nutritious breakfast and lunch during the school year at City public schools; and

**Whereas**, According to the New York City Department of Education (DOE), the Office of School Food serves approximately 850,000 meals a day to students, of which more than 700,000 are provided at no charge; and

**Whereas**, When school is out during the summer months, thousands of children lose access to free and low-cost school breakfast and lunch; and

**Whereas,** However, the United States Department of Agriculture (USDA) funds a summer food program to ensure that low-income children continue to receive nutritious meals when school is not in session; and

**Whereas,** The free Summer Food Service Program (SFSP) – commonly known as Summer Meals – provides free breakfasts and lunches throughout New York City to all children 18 years old or younger; and

**Whereas,** Summer Meals are prepared and supplied by the DOE’s Office of School Food (SchoolFood) and served at schools, parks, pools, community centers, libraries, food pantries and soup kitchens throughout New York City; and

**Whereas,** In an effort to reach as many children as possible during the summer, SchoolFood deploys four mobile food trucks which visit beaches, parks, and playgrounds throughout the city to handout free, delicious, and nutritious lunches to all children 18 years old and under, with no registration, documentation, or ID required; and

**Whereas,** Despite these efforts, the needs of some children and youth are not adequately met by the Summer Meals program; and

**Whereas,** In particular, dietary needs of Jewish children who follow Judaic dietary laws and Muslim children who follow Islamic dietary laws are not currently addressed in the Summer Meals program; and

**Whereas,** Judaic dietary laws delineate foods that are kosher, meaning fit for consumption, and those that are treif, meaning torn or unfit for consumption; and

**Whereas,** Treif foods include pork and its by-products, meat and poultry not slaughtered according to the Judaic dietary law, meat mixed with dairy, shellfish and grape products not made according to Judaic dietary law; and

**Whereas,** Similarly, Islamic dietary laws delineate foods that are halal, meaning lawful or permitted, and those that are haram, meaning not permitted; and

**Whereas,** Haram foods include pork and its by-products, meat and poultry not slaughtered according to the Islamic dietary law, alcohol and foods prepared with and containing alcohol, foods containing blood and blood by-products, and foods containing whey prepared with non-microbial enzyme, rennet, animal shortening, monoglycerides and diglycerides from an animal source, sodium stearoyl lactylate, and L-cysteine; and

**Whereas,** New York City children who follow Judaic and Islamic dietary laws would benefit immensely if kosher and halal meals were offered in the Summer Meals Program, which is funded by the USDA; now, therefore, be it

**Resolved,** That the New York City Council calls upon the New York City Department of Education to offer kosher and halal meals in the Summer Meals Program.

Referred to the Committee on Education.

Res. No. 171

**Resolution calling upon the New York State Legislature to pass legislation requiring all New York City charter schools to reserve 5% of their seats for late-enrolling “over the counter” students.**

By Council Member Levine.

**Whereas,** In 1998 the State Legislature passed the New York Charter Schools Act authorizing the creation of up to 100 charter schools, which are publicly funded but privately operated schools; and

**Whereas,** Subsequent amendments to State Law have expanded the charter school cap to 460 schools statewide; and

**Whereas,** New York State currently has 276 charter schools in operation, 223 or 81% of which are in New York City, according to data compiled by the New York City Charter School Center in July 2017; and

**Whereas,** New York City charter schools currently serve over 114,000 students according to the New York City Charter School Center; and

**Whereas,** Further, according to a report published in July 2015 by the New York City Independent Budget Office, charter school enrollment in the City grew by 364% over the 7 year period from 2007-2014; and

**Whereas**, New York State Law currently requires that charter schools accept students on a first-come, first-served basis, unless more students register than there are seats available in which case the charter school must admit students by a random lottery selection process; and

**Whereas**, The New York City Charter School Center estimated that there were 73,000 applicants for 25,200 available seats in New York City charter schools in 2017, leaving nearly 48,000 students waitlisted; and

**Whereas**, Charter schools currently have no obligation to “backfill”, or fill vacant seats with students who may be on the waiting list, and some choose to leave seats empty; and

**Whereas**, According to an April 2015 report by the advocacy group Democracy Builders, New York City charter schools lose an average of between 6% and 11% of students annually and left more than 2,500 seats empty in grades 3 through 8 alone in 2014; and

**Whereas**, Further, the State’s charter school law does not make provisions for charter schools to reserve seats for students who arrive in the City after their April admissions lotteries; and

**Whereas**, Late-enrolling students are referred to as “over the counter” or OTC students by the New York City Department of Education (DOE); and

**Whereas**, OTC students include those who are new to the New York City school system, those who left the City’s school system and have returned, those who are seeking transfers and those who did not participate in school admission processes for some other reason; and

**Whereas**, Many of these OTC students are among New York City’s highest need students, such as new immigrants, special needs students, teens who have been incarcerated or have come from juvenile detention, students over age for grade, and those from transient families or homeless youth as well as students with histories of behavioral incidents in their previous schools; and

**Whereas**, A 2013 study of New York City’s late-enrolling high school students conducted by the Annenberg Institute for School Reform revealed that there were well over 100,000 such OTC students in the City, with more than 36,000 assigned annually to high schools alone; and

**Whereas**, This 2013 Annenberg study found that many OTC students were concentrated in high-need schools that were unequipped to serve them; and

**Whereas**, According to the Annenberg report, the concentration of OTC students in high-need schools may exacerbate a school’s weaknesses and contribute to closure; and

**Whereas**, Assigning some of these OTC students to charter schools would help reduce the concentration of these high-need students in district schools, decreasing the burden on these schools; and

**Whereas**, Allowing charter schools to enroll OTC students would also provide such students with more school choices; and

**Whereas**, Charter schools in at least one other large urban district currently enroll late-arriving students; and

**Whereas**, In October of 2011, charter schools in Denver, Colorado signed an agreement to admit students who enroll after the start of the school year, according to the Denver Post; and

**Whereas**, This agreement required all Denver charter schools to reserve 5% of the school’s seats at the beginning of the year for midyear students; and

**Whereas**, The City of New York would benefit from introducing a system like Denver’s that requires charter schools to reserve a percentage of their seats for late-enrolling students to reduce pressure on district schools and give children, who would otherwise be excluded from charter school admissions, more options; now, therefore, be it

**Resolved**, That the New York City Council calls upon the New York State Legislature to pass legislation requiring all New York City charter schools to reserve 5% of their seats for late-enrolling “over the counter” students.

Referred to the Committee on Education.



## Res. No. 172

**Resolution calling upon the New York State Legislature to seal housing court records until the case has been decided and to permanently seal such records if the tenant prevails.**

By Council Member Levine.

**Whereas**, According to the 2014 New York City Housing Vacancy Survey, approximately two-thirds of the housing units, or 2,184,297 units, in New York City are renter occupied; and

**Whereas**, Every year there are over 200,000 Housing Court filings in New York City; and

**Whereas**, Until recently, the Office of Court Administration (OCA) sold Housing Court data to tenant screening companies, including the names and addresses of tenants involved in Housing Court proceedings; and

**Whereas**, In 2012, OCA agreed to stop including the names of tenants in data sold to tenant screening companies, but continued to make tenants names available through the Unified Civil Courts' eCourts website and through the Housing Court clerk's office; and

**Whereas**, The tenant screening companies offer access to the list of Housing Court involved tenants to landlords for a fee, and landlords use the information to decide whether to rent to tenants; and

**Whereas**, These lists are often full of inaccuracies and are traded between the approximately 650 tenant screening companies across the United States; and

**Whereas**, Because many landlords will not rent to a tenant who has ever been in Housing Court, regardless of the outcome of the case, the tenants screening company list has become known as the "tenant blacklist"; and

**Whereas**, Many of the tenants currently on the tenant blacklist were in Housing Court to advocate for their legal rights, and received favorable case outcomes; and

**Whereas**, The threat of inclusion on the tenant blacklist discourages tenants from taking their landlords to Court, even when their rights have been violated; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to seal housing court records until the case has been decided and to permanently seal such records if the tenant prevails.

Referred to the Committee on Housing and Buildings.

## Res. No. 173

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation removing the statute of limitations for rent overcharges.**

By Council Member Levine.

**Whereas**, There are approximately one million apartments in New York City which are subject to rent control or rent stabilization; and

**Whereas**, The New York State Homes and Community Renewal agency is responsible for administering rent regulation laws; and

**Whereas**, The rent regulation laws set standards for the legal amount of rent an owner may charge, for increases in rents, for removal of a property from rent regulation, and for evictions; and

**Whereas**, If an owner is found to have overcharged a tenant living in a rent stabilized apartment, that owner may be responsible for treble damages; and

**Whereas**, In New York City, certain property owners are violating rent regulation laws by charging market rate rents for apartments required to be rent regulated; and

**Whereas**, In rent controlled apartments, there is a two year statute of limitation for bringing rent overcharge complaints; and

**Whereas**, In rent stabilized apartments there is a four year statute of limitation for bringing rent overcharge complaints, unless there is evidence of fraud; and

**Whereas**, If the tenant cannot prove there was a fraudulent scheme to destabilize the apartment, the tenant may have no recourse for years of overcharges; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation removing the statute of limitations for rent overcharges.

Referred to the Committee on Housing and Buildings.

Res. No. 174

**Resolution calling on the United States Congress to pass and for the President to sign H.R. 1013, also known as the Regulate Marijuana Like Alcohol Act.**

By Council Member Levine.

**Whereas**, Prohibition has failed to control the use and domestic production of marijuana; and

**Whereas**, Nationally and locally, arrests for marijuana possession disproportionately affect blacks and Hispanics and reinforce the perception that law enforcement is biased and prejudiced against minorities; and

**Whereas**, Legalized marijuana would reduce the flow of money from the American economy to international criminal gangs; and

**Whereas**, Marijuana is not a lethal drug and is arguably safer than alcohol; and

**Whereas**, Prosecuting marijuana is expensive for our justice system, depletes resources to combat violent crime and should be taxed to fund more important prosecutions and support essential government programs; and

**Whereas**, Marijuana has medicinal value and provides relief from pain, nausea, spasticity, and other symptoms for many individuals who have not been treated successfully with conventional medications; and

**Whereas**, On February 20<sup>th</sup> 2015, U.S. Representative Jared Polis of the State of Colorado introduced H.R. 1013, also known as the Regulate Marijuana Like Alcohol Act ("The Act"); and

**Whereas**, The Act directs the Attorney General to issue a final order removing marijuana from all schedules of controlled substances under the Controlled Substances Act; and

**Whereas**, The Act amends the Controlled Substances Act to: (1) exempt marijuana from the Act with limited exception; (2) revise the definition of "felony drug offense" to exclude conduct relating to marijuana; and (3) eliminates marijuana from provisions setting forth penalties applicable to prohibited conduct under the Controlled Substances Act; and

**Whereas**, The Act prohibits shipping or transporting marijuana from any place outside a jurisdiction of the United States into a jurisdiction in which its possession, use, or sale is prohibited; and

**Whereas**, The Act eliminates marijuana as: (1) a controlled substance for purposes of the Controlled Substances Import and Export Act or the National Forest System Drug Control Act of 1986, (2) a dangerous drug for purposes of federal criminal code provisions authorizing interception of communications, and (3) a targeted drug for purposes of provisions of the national youth anti-drug media campaign under the Office of National Drug Control Policy Reauthorization Act of 1998; and

**Whereas**, The time has come to end the federal marijuana prohibition because the benefits of doing so outweigh liabilities; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass and for the President to sign H.R. 1013, also known as the Regulate Marijuana Like Alcohol Act.

Referred to the Committee on Public Safety.

## Res. No. 175

**Resolution calling on the United States Congress to pass and the President to sign legislation requiring all U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) agents to wear body cameras during field operations and removal proceedings, in order to increase ICE and CBP accountability, and ensure that immigration enforcement activities are conducted in a safe and lawful manner.**

By Council Members Levine and Menchaca.

**Whereas**, U.S. Immigrations and Customs Enforcement (ICE) agents are tasked with identifying, arresting, detaining, and removing undocumented immigrants; and

**Whereas**, ICE has a budget of \$6.2 billion and more than 20,000 employees in more than 400 offices in the U.S. and 46 foreign countries, including at least 5,800 Enforcement and Removal Operations deportation and immigration enforcement agents; and

**Whereas**, U.S. Customs and Border Patrol (CBP) agents are tasked with enforcing U.S. laws and regulations at borders and ports of entry in order to keep those people and materials deemed dangerous out of the U.S.; and

**Whereas**, CBP is one of the largest law enforcement organizations in the world, with a budget of \$13.5 million and more than 60,000 employees, including over 21,000 Border Patrol agents and over 23,000 CBP officers; and

**Whereas**, The Department of Homeland Security's inspector general found in April 2017 that ICE's deportation policies and procedures are "outdated and unclear," and that deportation agents receive insufficient training, citing one example where roughly 2,900 immigration enforcement agents were assigned deportation duties without proper instruction; and

**Whereas**, President Donald J. Trump issued two executive orders on immigration enforcement at the border and in the interior of the U.S. in January of 2017, and called for a dramatic escalation in ICE and CBP enforcement efforts; and

**Whereas**, President Trump called for the hiring of at least 10,000 more ICE agents and 5,000 more CBP agents to implement and enforce the executive orders, which drastically broadened the categories of undocumented immigrants who are priorities for removal; and

**Whereas**, In February 2017, within two weeks of the orders, a five-day operation of immigration enforcement around the country led to the apprehension of more than 680 immigrants; and

**Whereas**, ICE arrested more than 41,000 undocumented immigrants in the 100 days after President Trump issued his immigration executive orders, a 38% increase in arrests from the same time period in 2016; and

**Whereas**, An internal Department of Homeland Security ("DHS") assessment obtained by the Washington Post showed that DHS has, as of April 2017, already found more than 33,000 more detention beds to house undocumented immigrants; and

**Whereas**, That same report showed that DHS is considering ways to speed up hiring hundreds of new CBP officers, including by ending polygraph and physical fitness tests in some cases; and

**Whereas**, ICE and CBP agents perform their duties with weapons present and, in many cases, conduct raids and arrests with weapons drawn; and

**Whereas**, There have been multiple high-profile cases of ICE agents using excessive force during raids and arrests, including a 2015 incident in Northern California where four ICE agents tackled, pinned and put an individual into a headlock, implementing enough physical force that the individual fractured his wrist and was forced to wear a cast; and

**Whereas**, During March 2017 incident in Chicago, an ICE agent discharged his weapon and wounded one individual while attempting to arrest another; and

**Whereas**, A January 2017 report issued by the Department of Homeland Security's Office of Inspector General (DHS OIG) concluded that ICE generally lacked oversight on the use of force; and

**Whereas**, ICE officials do not track officer-involved shootings; and

**Whereas**, The New York Times reported that over the past decade, dozens of ICE agents have been arrested and charged with beating detainees, smuggling drugs into detention centers, and accepting bribes to interfere with deportations; and

**Whereas**, Since January 2010, at least 50 people, 19 of whom were U.S. citizens, have been killed in fatal encounters with CBP agents, and countless more have been brutally beaten; and

**Whereas**, No CBP agent charged with the use of excessive or deadly force has been held accountable for their actions since January 2010, even in the most egregious cases; and

**Whereas**, In February 2017, the United States paid the family of an undocumented immigrant \$1 million, after the man was beaten to death with batons and Tasers by more than a dozen CBP agents in 2010; and

**Whereas**, Even in this violent incident, none of the CBP agents involved have been fired, disciplined, or lost any pay for their actions to date; and

**Whereas**, On March 10, 2017, U.S. Representative Yvette Clarke introduced H.R. 1497, the “ICE Body Camera Act of 2017” to the U.S. House of Representatives; and

**Whereas**, The ICE Body Camera Act of 2017 would require all ICE agents to wear body cameras when engaged in field operations and removal proceedings, as well as other purposes; and

**Whereas**, The Act would make ICE body camera recordings available to each relevant party during administrative proceedings, including removal proceedings, civil actions, or criminal prosecutions, to which such recordings apply; and

**Whereas**, On March 17, 2017, U.S. Representative Adriano Espaillat introduced H.R. 1608, the “ICE and CBP Body Camera Accountability Act” to the U.S. House of Representatives; and

**Whereas**, The ICE and CBP Body Camera Accountability Act would also require ICE agents to wear body cameras while engaged in official operations, and also extend these requirements to CBP agents as well; and

**Whereas**, This Act also directs the Secretary of Homeland Security to promulgate rules regarding the use of body cameras and the provision of footage that are consistent with the “Civil Rights Principles for Body Worn Cameras” of the Leadership Conference on Civil and Human Rights of May 2015 and the proposed rule will be compared to model rules put forth by the American Civil Liberties Union in January 2017; and

**Whereas**, The ICE and CBP Body Camera Accountability Act additionally censures ICE and CBP agents and officers whose body cameras do not record footage by subjecting them to furlough, reduction in pay or grade, or suspension of up to 30 days; and

**Whereas**, The use of body cameras potentially serves as a check against the abuse of power by law enforcement agents by creating documentary evidence of enforcement encounters; and

**Whereas**, Roughly half of the country’s approximately 18,000 local law enforcement agencies use body cameras; and

**Whereas**, Studies have shown that there is less violence and fewer complaints when law enforcement agents wear body cameras; and

**Whereas**, A study conducted by the University of South Florida over the 12 month period from March 2014 through February 2015, showed that the use of body cameras resulted in a 53% decline in use-of-force incidents, a 65% decrease in civilian complaints against officers and significant reductions in the number of both civilian and officer injuries; and

**Whereas**, A 2016 internal report from the San Diego Police Department also indicated significant changes after officers began wearing body cameras in 2013, including a 43.1% decrease in misconduct allegations; a 47.4% drop in serious allegations related to criminal behavior, discrimination, force, and racial or ethnic slurs; a 40.4% decline in allegations related to conduct, courtesy, procedure and service; as well as a 16.4% decrease in high-level use of force; and

**Whereas**, Given that ICE and CBP are also a law enforcement agency and could equally benefit from the improvements local law enforcement agencies have seen upon the adoption of body cameras; and

**Whereas**, In New York State, community leaders, residents, activist groups and elected officials, including U.S. Senator Chuck Schumer, have called for more transparency and accountability regarding enforcement actions; and

**Whereas**, Given the increasing number of reports of ICE agents using disproportionate amounts of force during arrests and targeting nonviolent immigrants and their families for deportation; and

**Whereas**, ICE and CBP have long been criticized for abusive practices, rights violations, and a lack of transparency and accountability; and

**Whereas**, The Council of the City of New York denounces the rampant misconduct and violation of immigrants’ rights that occur at the hand of ICE and CBP while conducting enforcement; and

**Whereas,** The Council further supports increased transparency and accountability in immigration law enforcement, especially during these times of increased and aggressive sweeps, raids, and arrests across the country; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the United States Congress to pass and the President to sign requiring all U.S. Immigrations and Customs Enforcement and U.S. Customs and Border Protection agents to wear body cameras during field operations and removal proceedings, in order to increase ICE and CBP accountability, and ensure that immigration enforcement activities are conducted in a safe and lawful manner.

Referred to the Committee on Immigration.

Res. No. 176

**Resolution in support of the Governor of New York State in the commitment to and facilitation of the development of large-scale offshore wind projects by 2030.**

By Council Members Richards and Rosenthal.

**Whereas,** Climate change is occurring at a rapid rate and the current trend of warming in Earth's climate system is clear and unprecedented; and

**Whereas,** The increasing concentration of greenhouse gases in Earth's atmosphere is a main cause of rapid climate change; and

**Whereas,** The principal human activity contributing to climate change is the emission of greenhouse gases by burning fossil fuels for power; and

**Whereas,** According to the United States Environmental Protection Agency, the future rate and magnitude of climate change will depend on the rate at which greenhouse gas concentrations in Earth's atmosphere continue to increase; and

**Whereas,** Climate change is impacting New York City's public health, critical infrastructure, communities, vulnerable populations, natural systems, buildings and economy, and these impacts will worsen in the future; and

**Whereas,** New York State has set policy to reduce its contribution to climate change; and

**Whereas,** In 2009, Governor David Paterson issued Executive Order No. 24, establishing a goal to reduce the State's greenhouse gas emissions by 80%, relative to 1999 levels, by 2050; and

**Whereas,** In 2015, Governor Andrew Cuomo reaffirmed the State's commitment to this goal; and

**Whereas,** In order to achieve this greenhouse gas emissions reduction goal the State must incorporate large-scale renewable energy projects into its power supply; and

**Whereas,** In August 2016, Governor Cuomo announced the establishment of New York's Clean Energy Standard which requires that 50% of New York's electricity come from renewable energy sources like wind and solar by 2030; and

**Whereas,** According to the New York State Energy Research and Development Authority (NYSERDA), the Atlantic Ocean off the coast of the State has the potential to support up to 38 gigawatts of wind power, and power from offshore wind projects could become a major source of renewable energy in the decades ahead; and

**Whereas,** The development of offshore wind projects in the Atlantic Ocean could also generate economic activity and create jobs in adjacent communities; and

**Whereas,** In 2009, Con Edison, Long Island Power Authority (LIPA) and New York Power Authority (NYPA) launched the Long Island – New York City Offshore Wind Collaborative to jointly conduct a study into the feasibility of developing a large-scale offshore wind project in the Atlantic Ocean south of Long Island; and

**Whereas,** Con Edison, LIPA and NYPA concluded that it is feasible to connect a large-scale offshore wind project with the power grid by making adjustments to their respective power transmission systems and, further, requested that the federal Bureau of Ocean Energy Management (BOEM) issue a lease to NYPA for an area

located on the outer continental shelf 13 miles south of Long Island for the development of an offshore wind project; and

**Whereas**, In January 2017, Governor Andrew Cuomo announced a commitment to building 2,400 megawatts of offshore wind power by 2030, which translates to the creation of enough energy to power 1.25 million homes; and

**Whereas**, In September 2017, New York State submitted an Area for Consideration to BOEM, urging the federal agency to identify at least four new Wind Energy Areas (WEAs) off of New York's Atlantic Coast, each capable of accommodating a minimum of 800 megawatts of offshore wind generation, and to conduct lease auctions for these WEAs; and

**Whereas**, By developing offshore wind, New York will advance its goals of reducing greenhouse gas emissions 40% below 1990 levels, and ensuring 50% of electricity consumed in New York State come from renewable energy sources by 2030; now, therefore, be it

**Resolved**, That the Council of the City of New York supports the Governor of New York State in the commitment to and facilitation of the development of large-scale offshore wind projects by 2030.

Referred to the Committee on Environmental Protection.

Int. No. 554

By Council Members Rosenthal, Rodriguez, Williams, Chin, Kallos, Rivera and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to civil penalties for illegal conversions of dwelling units from permanent residences**

*Be it enacted by the Council as follows:*

Section 1. Item 16 of section 28-201.2.1 of the administrative code of the city of New York, as added by local law number 45 for the year 2012, is amended to read as follows:

16. A violation of section 28-210.3 [that involves more than one dwelling unit or a second or subsequent violation of section 28-210.3 by the same person at the same dwelling unit or multiple dwelling].

§ 2. Section 28-201.2.1 of chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new item 16.1 to read as follows:

*16.1 The civil penalty for a violation of section 28-210.3 shall be not less than \$10,000 nor more than \$50,000. In addition to such civil penalty, a separate additional penalty may be imposed of not more than \$2,000 for each day that the violation is not corrected.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 555

By Council Member Torres.

**A Local Law to amend the New York city charter, in relation to posting information about community board members online**

*Be it enacted by the Council as follows:*

Section 1. Chapter 48 of the New York city charter is amended by adding a new section 1076 to read as follows:

*§ 1076. Community Board Data. The department of information technology and telecommunications, or such other agency or office as the mayor may designate, shall develop and maintain a portal on the city's website that provides information about the members of community boards. Such portal shall be available to the public at no charge and without any registration requirement. The information on such portal shall be updated as frequently as practicable, but in no case less often than once every two months. Such portal shall include, but not be limited to, the following information, which shall be in a machine readable and externally searchable format:*

- a. the name of each community board member;*
- b. the neighborhood, as designated by the department of city planning, within which each such member resides;*
- c. the employer and occupation of each such member, if any;*
- d. the attendance record of each such member at full board meetings and meetings of committees to which they are assigned;*
- e. the council member who recommended each such member, if any, and the name of the borough president who appointed each such member;*
- f. the original appointment date for each such member;*
- g. the committees upon which each such member sits and the committees for which each such member acts as chairperson;*
- h. the number of members serving on each community board who currently reside in each neighborhood, as designated by the department of city planning, served by each such board;*
- i. the number of vacancies on each community board;*
- j. the average length of time members have served on a community board; and*
- k. demographics information for (1) each community board in the aggregate, (2) each borough in the aggregate and (3) all community boards in the city in the aggregate, which demographics information shall include race, gender, religion, sexual orientation, income, age, employment status, disability status, level of education, language spoken at home, marital status, veteran status, and status as an automobile owner or lessor, as determined by an optional survey of community board members.*

§ 2. This local law takes effect 180 days after it becomes law; provided, however, that the department of information technology and telecommunications, or such other office or agency as the mayor may designate to carry out this local law, shall take such actions prior to such time as are necessary for timely implementation of this local law.

Referred to the Committee on Technology.

Preconsidered Int. No. 556

By Council Member Torres and the Speaker (Council Member Johnson).

**A Local Law to amend the administrative code of the city of New York, in relation to runaway and homeless youth services for homeless young adults**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended to add new section 21-406 to read as follows:

*§ 21-406 Services for homeless young adults. The department shall include in the continuum of runaway and homeless youth services transitional independent living support programs and runaway and homeless youth crisis services programs that offer shelter services to homeless young adults.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Youth Services (preconsidered but laid over by the Committee on Youth Services).

Int. No. 557

By Council Members Treyger and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a license for massage therapy businesses**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 36 to read as follows:

*SUBCHAPTER 36  
MASSAGE THERAPY BUSINESSES*

*§ 20-570 License. a. License required for massage therapy businesses. It is unlawful for any person to own, control or operate a massage therapy business without having received a license for such business in the manner provided in this subchapter.*

*b. License application. 1. In order to obtain, or renew thereof, a license to own, control or operate a massage therapy business, a person must submit an application with the commissioner for a license for each location that such person desires to operate a massage therapy business. Such person must use the application form prescribed by the commissioner and must provide such information as the commissioner requires, which shall include but not be limited to, a copy of:*

*(a) The special permit received from the board of standards and appeals to operate such a business, issued pursuant to section 73-36 of the zoning resolution;*

*(b) The certificate of occupancy issued by the department of buildings;*

*(c) Any license or permit issued by the department of health and mental hygiene for any health-related facilities or services offered in conjunction with massage therapy; and*

*(d) The New York state professional license, issued pursuant to article 155 of the education law, for each practitioner of massage to be employed at the massage therapy business.*

*2. Any person who receives a massage therapy business license must operate such business at the location named in the license. Any or all of the practices regulated by article 155 of the education law may be provided under one massage therapy business license so long as each practitioner is licensed pursuant to article 155 of the education law.*

*c. Fee and license term. 1. The fee for a massage therapy business license is \$350 and \$250 for each renewal thereof.*

*2. All licenses expire four years from the date of issuance.*

*3. No license is assignable or transferrable except as authorized by rules promulgated by the commissioner.*

*d. A massage therapy business must conspicuously post a license certificate issued pursuant to this subchapter in the licensed premises.*

*§ 20-571 Penalties. a. Any person violating section 20-570 is liable for a civil penalty of not more than \$500 for the first violation and a civil penalty of not less than \$1,500 or more than \$5,000 for each succeeding violation.*

*b. A licensed massage therapy business found to be employing practitioners not licensed pursuant to article 155 of the education law is liable for a civil penalty of not more than \$1,500 for the first violation and a civil penalty of not less than \$2,500 or more than \$5,000 for each succeeding violation. The department must also notify the state education department for any violation of article 155 of the education law and the board of standards and appeals for any violation of section 73-36 of the zoning resolution.*



§ 2. This local law takes effect 120 days after it becomes law; provided, however, that the commissioner of consumer affairs shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 558

By Council Member Treyger.

**A Local Law to amend the administrative code of the city of New York, in relation to posting signs informing consumers about co-pay clawbacks for prescription drugs**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-713.2 to read as follows:

§ 20-713.2 *Required signage. Every retail outlet selling prescription drugs within the city must conspicuously post on or near any fixed point of sale terminal a sign in large font informing customers that drugs might cost less than an insurance co-payment. The department shall determine the form of such posting.*

§ 2. This local law takes effect 120 days after it becomes law except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 559

By Council Member Treyger.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to provide school-level data regarding compliance rates for students' individualized education programs**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 12 and 13 of subdivision b of section 21-955 of the administrative code of the city of New York, as added by local law 27 for the year 2015, are hereby amended to read as follows:

12. the number and percentage of students, *disaggregated by school*, who were receiving special education services:

- (i) in full compliance with their IEPs by the end of the academic period; and
- (ii) in partial compliance with their IEPs by the end of the academic period;

13. the number and percentage of students, *disaggregated by school*, who, by the end of the academic period, were receiving in full the services enumerated in subparagraphs (i) through (viii) of this paragraph as recommended on their IEPs, the number and percentage of students who as of the end of the academic period were receiving in part such services, and the number and percentage of students who were awaiting the provision of such services:

- (i) monolingual speech therapy;
- (ii) bilingual speech therapy;
- (iii) monolingual counseling;
- (iv) bilingual counseling;

- (v) occupational therapy;
  - (vi) physical therapy;
  - (vii) hearing education services; and
  - (viii) vision education services;
- § 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 560

By Council Member Treyger.

**A Local Law in relation to creating a task force to study the feasibility of starting middle schools and high schools after 8:30 am in order to reduce adolescent sleep deprivation**

*Be it enacted by the Council as follows:*

Section 1. School start time task force. a. Definitions. For the purposes of this section only, the following definitions shall apply:

Department. The term “department” means the New York city department of education.

School. The term “school” means a school of the city school district of the city of New York.

Student. The term “student” means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision, not including a pre-kindergarten student or a preschool child as preschool child is defined in section 4410 of the education law.

b. There shall be established a school start time task force consisting of at least nine members who shall serve without compensation, each for a term of one year. Such term shall begin upon appointment of the last member. In the event of the death or resignation of any member, his or her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed. Five members of the task force shall be appointed by the mayor, and four members shall be appointed by the speaker of the council. Such task force shall meet not less than four times annually. One member shall be designated as chairperson by the mayor after consultation with the speaker. Members of the task force shall include at least one parent of a student in grades six through eight, at least one parent of a student in grades nine through twelve, at least one student in grades nine through twelve, at least one middle school teacher employed by the department, at least one high school teacher employed by the department, at least one administrator employed by the department, at least one representative from a labor union that represents the majority of teachers employed by the department and at least one representative from the department. Members of such task force shall be appointed within ninety days following the enactment of the local law that added this section.

c. The task force shall:

1. review current middle school and high school school start times and determine their effect on adolescent health and well-being;
2. identify and evaluate factors that contribute to or affect school start times;
3. make recommendations to the mayor on matters related to school start times and the altering of school start times for students in grades six through twelve;
4. perform such other advisory duties and functions as may be necessary as determined by the task force.

d. No later than January 30, 2019 and annually thereafter, the task force shall submit to the mayor and the speaker of the council a report concerning the task force’s activities during the previous twelve months, the goals for the following year and recommendations pursuant to subdivision c of this section.

§ 2. This law takes effect immediately and is expired and deemed repealed five years after the date of the local law that added this section.

Referred to the Committee on Education.

## Int. No. 561

By Council Member Treyger.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the reporting of information regarding parent-teacher association and parent association chapters in public schools.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21-A of the administrative code of the city of New York is amended as follows:  
 § 21-950 Definitions. Whenever used in this title, the following terms shall have the following meanings:

a. "Chancellor" shall mean the chancellor of the New York city department of education.

b. "Department" shall mean the New York city department of education.

c. "Student" shall mean any pupil under the age of twenty-one enrolled in a district school or charter school within the city district.

d. "PTA" shall mean a parent-teacher association in a district school or charter school within the jurisdiction of the department.

e. "PA" shall mean a parent association in a district school or charter school within the jurisdiction of the department.

§ 2. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

*Chapter 21  
PTA and PA Reporting*

§ 21-988 *PTA and PA reporting.* a. *Not later than October 1, 2018, and on or before October 1 annually thereafter, the department shall submit to the council and post on the department's website a report of information regarding PTAs and PAs for the prior school year, including, but not limited to: (i) a list of PTAs and PAs established pursuant to section 2590-h(15)(a) of the education law and any successor regulations, (ii) the number of parents registered as members in each PTA and PA of each such school, (iii) the number of school staff registered as members in each PTA and PA, including the job titles of such staff members, (iv) the frequency of meetings, as established in the bylaws of each PTA and PA, (v) the average attendance of each meeting, excluding committee meetings, (vi) the dates and results of each PTA and PA election held pursuant to section 2590-c(8)(a) of the education law, the annual income for PTA and PA fund raising activities, the total funds raised for each PTA and PA, and the annual expenditures for each PTA and PA. All information required to be reported by this section shall be aggregated citywide, as well as disaggregated by city council district, community school district and school and shall include demographic information regarding each school, including but not limited to race and ethnicity and English language learner status.*

c. *No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Education.

## Int. No. 562

By Council Member Treyger.

**A Local Law to amend the New York city fire code, in relation to the posting of hurricane evacuation zone and evacuation center information in multiple dwellings**

*Be it enacted by the Council as follows:*

Section 1. Section FC 408.9 of the New York city fire code, as amended by local law number 148 for the year 2013, is amended by adding a new section 408.9.5:

*408.9.5 Hurricane Evacuation Notices. The owner of any Group R-2 occupancy within a hurricane evacuation zone, as designated by the commissioner of the office of emergency management, shall cause a hurricane evacuation notice to be posted within the building. Such notice shall serve to inform building occupants and visitors as to the current hurricane evacuation zone designation for that building and the addresses of the three closest hurricane evacuation center locations. Such notice shall be in such form as prescribed by the commissioner by rule and shall be posted within a common area of the building and such other locations as set forth in the rules.*

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Fire and Emergency Management.

## Int. No. 563

By Council Member Treyger.

**A Local Law to amend the New York city charter, in relation to the development of a disaster plan by the board of elections**

*Be it enacted by the Council as follows:*

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-g to read as follows:

*§1057-g Disaster plan. The board of elections shall develop a plan for holding an election event following a natural disaster or other state of emergency. Such plan shall:*

- a. Be developed in coordination with the emergency management department;*
- b. Include, but need not be limited to, plans for administering an election event as effectively as possible in cases of extreme weather, power outages, and acts of terrorism;*
- c. Include information on who is responsible for necessary tasks in the event of such a disaster, what financial and labor resources would be required to run an election event, which other agencies' assistance would be necessary to assist in running the election event or making it possible to run the election event, and what steps will or have been taken to limit the disruption of such a potential disaster on the board of elections' ability to hold an election event;*

*d. Be completed by January 1, 2019 and updated periodically as necessary; and*

*e. Be sent to the mayor and the speaker of the council.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

## Int. No. 564

By Council Member Treyger.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on housing lottery outcomes**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 14 to read as follows:

*CHAPTER 14*  
*AFFORDABLE HOUSING PLACEMENTS*

§ 26-1401 *Definitions.*

§ 26-1402 *Report.*

§ 26-1401 *Definitions. For the purposes of this chapter:*

*Area median income. The term “area median income” means the median income for households in the city or in the metropolitan area that includes the city.*

*Department. The term “department” means the department of housing preservation and development.*

*Extremely low income household. The term “extremely low income household” means households who have an income of no more than 30 percent of the area median income, adjusted for the size of the household.*

*Low income household. The term “low income unit” means households who have an income of more than 50 percent of the area median income but no more than 80 percent of the area median income, adjusted for the size of the household.*

*Moderate income household. The term “moderate income household” means households who have an income of more than 80 percent of the area median income but no more than 165 percent of the area median income, adjusted for the size of the household.*

*Very low income household. The term “very low income household” means households who have an income of more than 30 percent of the area median income but no more than 50 percent of the area median income, adjusted for the size of the household.*

§ 26-1402 *Report. a. By no later than December 1 of each year, the department shall submit to the mayor and the council, and publicly post on its website, a report on lotteries for affordable housing that are administered by or on behalf of the department, containing at a minimum, for each such lottery that was completed during the previous fiscal year, the number of applications received, the number of applicants selected, the number of applicants selected and subsequently rejected, the number of applicants offered a position on a waiting list for affordable housing and the number of applicants offered affordable housing disaggregated by:*

- 1. Applicants who are extremely low income households;*
- 2. Applicants who are very low income households;*
- 3. Applicants who are low income households;*
- 4. Applicants who are moderate income households;*
- 5. Applicant demographic information, where provided; and*
- 6. Applicants who qualified for a preference for such lottery, disaggregated by type of preference.*

*b. In each report required by subdivision a of this section, the department shall set forth (i) the area median income used in compiling such report, disaggregated by household size and (ii) if such area median income is, for any household size, different than the area median income established by the United States department of housing and urban development for the fiscal year preceding the report, the department’s rationale for not using the area median income established by the United States department of housing and urban development.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 565

By Council Member Treyger.

**A Local Law to amend the administrative code of the city of New York, in relation to elevator service outage accommodations**

*Be it enacted by the Council as follows:*

Section 1. Section 28-304.10 of the administrative code of the city of New York, as added by local law number 141 for the year 2013 and amended by local law number 47 of 2015, is amended to read as follows:

**§ 28-304.10 Occupant notification.** In occupancy groups R-1 and R-2, when an elevator is to be out of service, a notice identifying the type of work to be performed and the expected start and end dates for such outage shall be provided in English, Spanish, and such other languages as the department may provide by rule, in accordance with sections 28-304.10.1 and 28-304.10.2. *Such notification shall include a copy of the elevator service outage accommodation plan required by section 28-304.11.1.*

§ 2. Article 304 of title 28 of the administrative code of the city of New York is amended to add a new section 28-304.11 to read as follows:

**§ 28-304.11 Service outage accommodation.** *In addition to any reasonable accommodations required by other city, state or federal laws or rules, when a passenger elevator in a building that contains space classified in occupancy group R-1 or R-2 is or will be out of service for more than twenty-four hours, the owner shall, upon request of an affected resident with a disability, as defined by rules promulgated by the department in conjunction with the department of health and mental hygiene and the mayor's office for people with disabilities, provide, for the duration of such outage, a reasonable alternative method of transportation between floors, exclusive of stairs, or a reasonable accommodation for such resident.*

***Exceptions:***

1. *An elevator that serves only one dwelling unit, provided that such unit is occupied by the owner of the building containing such unit.*

2. *An elevator service outage that results from a general public utility outage, as defined by department rule.*

**§ 28-304.11.1 Elevator service outage accommodation plan.** *An owner of a building that contains space classified in occupancy group R-1 or R-2 must develop an elevator service outage accommodation plan detailing any alternative method of transportation or accommodation that will be provided in accordance with section 28-304.11 during an elevator service outage. Such plan must be made available for inspection by the department, the department of housing preservation and development or residents of the building, upon request.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

## Int. No. 566

By Council Member Treyger.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a free elevation certificate program**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.32 to read as follows:

**§ 28-103.32 Free elevation certificate program.** *The department, or an agency designated by the mayor, shall create and maintain a free elevation certificate program for low-to-moderate income owners of buildings located in an area of special flood hazard. For the purposes of this section, the term “low-to-moderate income owner” means an owner whose annual income does not exceed 115 percent of the median income for households in the city, or in the metropolitan area that includes the city, as determined by the United States department of housing and urban development or a successor agency thereto.*

§ 2. This local law takes effect 120 days after it becomes law, except that the head of the department or an agency designated by the mayor pursuant to this local law may take such actions as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

## Int. No. 567

By Council Member Treyger.

**A Local Law to amend the administrative code of the city of New York, in relation to internet purchase exchange locations**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended to add a new section 10-179, to read as follows:

**§ 10-179 Internet purchase exchange locations.** *Each precinct station house shall designate a publicly accessible internet purchase exchange location within or upon the grounds of such station house, or in a publicly accessible area within that precinct, where goods may be exchanged and transactions may be conducted safely between private individuals. Such locations shall be monitored by human or video surveillance and indicated by signage containing the hours of operation, provided that such hours may be limited at the discretion of the department. The location and hours of operation for each internet purchase exchange location shall be posted on that precinct’s website.*

§ 2. This local law takes 120 days after becoming law.

Referred to the Committee on Public Safety.

## Int. No. 568

By Council Member Treyger.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing civil penalties where food service establishments donate left over food**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

*§ 16-143 Food donations. a. As used in this section, the following terms have the following meanings:*

*Eligible violation. The term “eligible violation” means (i) a violation which is set forth in rule by the department as eligible for the food donation program and (ii) a violation issued for a failure to comply with any provision of the code or the rules of the city of New York, which is enforced by the department and requires source separation, the recycling of designated materials or the posting of signage.*

*Food service establishment. The term “food service establishment” means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off of the premises or is provided from a pushcart, stand or vehicle and shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.*

*Not-for-profit corporation. The term “not-for-profit corporation” means a not-for-profit corporation as defined in subparagraph 5 or subparagraph 7 of subdivision a of section 102 of the New York state not-for-profit corporation law.*

*Qualifying excess food. The term “qualifying excess food” means food that (i) such food service establishment does not intend to make, or intends to stop making available to its customers and (ii) meets all quality and labeling standards imposed by federal, state and local laws and rules.*

*b. Notwithstanding any other provision of law, the commissioner shall establish a food donation program. Such program shall allow an owner of a food service establishment who is issued an eligible violation to have the civil penalties for such violation waived where such owner (i) had not received the same or a substantially similar violation within the six month period prior to the issuance of such eligible violation, (ii) enters into an agreement, approved by the department, with a not-for-profit corporation to donate such establishment’s qualifying excess food for a period to be determined by the department and (iii) provides to the department, at the end of such period, a statement from such not-for-profit corporation certifying that such establishment has donated its qualifying excess food over such period.*

*c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found not to be in compliance with such agreement shall have the original civil penalty reinstated and doubled.*

§ 2. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

#### **CHAPTER 11 INCENTIVIZING FOOD DONATIONS**

*§ 20-937 Incentivizing food donations.*

*§ 20-937 Incentivizing food donations. a. As used in this chapter, the following terms have the following meanings:*

*Eligible violation. The term “eligible violation” means (i) a violation which is set forth in rule by the department as eligible for the food donation program and (ii) a violation which is issued for a failure to comply with any provision of the code or the rules of the city of New York which is enforced by the department and requires the display of prices, the accuracy of scanners or the posting of signage.*

*Food service establishment. The term “food service establishment” means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off of the premises or is provided from a pushcart, stand or vehicle and shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.*

*Not-for-profit corporation. The term “not-for-profit corporation” means a not-for-profit corporation as defined in subparagraph 5 or subparagraph 7 of subdivision a of section 102 of the New York state not-for-profit corporation law.*



*Qualifying excess food. The term “qualifying excess food” means food that (i) such food service establishment does not intend to make, or intends to stop making available to its customers and (ii) meets all quality and labeling standards imposed by federal, state and local laws and rules.*

*b. Notwithstanding any other provision of law, the commissioner shall establish a food donation program. Such program shall allow an owner of a food service establishment who is issued an eligible violation to have the civil penalties for such violation waived where such owner (i) has not received the same or a substantially similar violation within the six month period prior to the issuance of such eligible violation, (ii) enters into an agreement, approved by the department, with a not-for-profit corporation to donate such establishment’s qualifying excess food for a period to be determined by the department and (iii) provides to the department, at the end of such period, a statement from such not-for-profit corporation certifying that such establishment has donated its qualifying excess food over such period.*

*c. An owner who enters into such a regulatory agreement pursuant to subdivision b of this section and is found not to be in compliance with such agreement shall have the original civil penalty reinstated and doubled.*

§ 3. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Small Business.

Int. No. 569

By Council Member Treyger.

**A Local Law in relation to a street alarm box modernization technology plan**

*Be it enacted by the Council as follows:*

Section 1. Street alarm box modernization technology plan. a. No later than January 1, 2019, the department of information technology and telecommunications, in consultation with the fire department and the police department, shall submit to the mayor and the council a plan to increase the utilization of street alarm boxes.

b. Such plan shall consider the following:

1. the physical and technological limitations of existing call boxes to fit additional equipment and the feasibility of upgrades or enhancements to mitigate such limitations;
2. expanding or improving existing networks of detection equipment, including but not limited to gunshot detection networks, by the inclusion of nodes on street alarm boxes;
3. identifying the feasibility and capability of chemical, biological or radiological detection equipment mounted on street alarm boxes;
4. identifying possible non-emergency uses for street alarm boxes, including but not limited to expanding the coverage of municipal wireless internet networks; and
5. the anticipated cost of the functions identified in the plan.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 570

By Council Member Treyger.

**A Local Law to amend the administrative code of the city of New York, in relation to waiving parking violations when a parking sign is illegible**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.6 to read as follows:

*§ 19-175.6 Illegible parking signs. a. Notwithstanding any rule or regulation to the contrary, when a notice of violation is issued to an owner of a vehicle for failure to observe a parking sign that is not sufficiently legible to an ordinarily observant person at the time and place of the alleged violation, such illegibility constitutes an affirmative defense to the notice of violation.*

*b. The affirmative defense of illegibility is provable through photographic or other suitable evidence as determined by the hearing officer, hearing examiner, or other appropriate adjudicatory authority.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 571

By Council Members Treyger, Rivera, Richards, Levine, Yeger and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting sexual contact between police and peace officers and individuals in their custody**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-179 to read as follows:

*§ 10-179 Sexual contact between police and peace officers and individuals in their custody.*

*a. Definitions. As used in this section, the following terms have the following meanings:*

*Custody. The term “custody” has its ordinary meaning and occurs when an individual is not free to leave.*

*Peace officer. The term “peace officer” has the same meaning as that in section 1.20 of the criminal procedure law.*

*Police officer. The term “police officer” has the same meaning as that in section 1.20 of the criminal procedure law.*

*Sexual contact. The term “sexual contact” has the same meaning as that in section 130.00 of the penal law.*

*b. Unlawful sexual contact between police and peace officers and individuals in their custody.*

*It is unlawful for a police or peace officer to engage in sexual contact with an individual in custody.*

*c. Criminal prohibition. The violation of subdivision b is a misdemeanor punishable by up to one year in jail, or a fine of up to \$1,000, or both.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Res. No. 177

**Resolution urging the New York State Legislature to amend the Penal Law Section 130.05 to include individuals in police custody as being categorically incapable of consenting to sexual conduct with a police officer.**

By Council Members Treyger, Rivera, Richards, Yeger, Holden, Miller, Gibson, Rosenthal, Menchaca, Williams, Brannan, Powers and Constantinides.

**Whereas**, Pursuant to section 130.05 of the New York State Penal Law, individuals in certain custodial situations, such as incarcerated or hospitalized individuals, are incapable of consenting to sexual relations with those placed in charge of their custody; and

**Whereas,** These laws protect vulnerable individuals from abuse; and

**Whereas,** New York State law contains no such provisions categorically preventing an individual in police custody from consenting to sexual conduct with a police officer; and

**Whereas,** The power dynamic between police officers and individuals in their custody is such that genuine consent cannot be provided; and

**Whereas,** The power dynamic between police officers and individuals in their custody is substantially similar to that between correction officers and inmates and other relationships already addressed in State law, and

**Whereas,** The lack of a State law to address this issue has already led to the alleged abuse of a person in custody by police officers; and

**Whereas,** For example, on September 15, 2017, two New York City Police Department detectives, placed an eighteen year old woman in custody and both police officers engaged in sexual conduct with the woman who was handcuffed in the back of their police van; and

**Whereas,** Both officers claim that the sexual conduct was consensual, and the woman alleges that the officers forced her to engage in sexual conduct in exchange for being released from custody without facing criminal charges; and

**Whereas,** Consent should not be a defense when an officer is accused of a sex crime by someone in their custody; now, therefore, be it

**Resolved,** That the Council of the City of New York urges the New York State Legislature to amend the Penal Law Section 130.05 to include individuals in police custody as being categorically incapable of consenting to sexual conduct with a police officer.

Referred to the Committee on Public Safety.

Int. No. 572

By Council Member Vallone.

**A Local Law in relation to a local law to require the department of transportation and department of buildings to complete a study on alternatives to plywood**

*Be it enacted by the Council as follows:*

Section 1. Alternatives to plywood study. a. The department of transportation and department of buildings shall jointly study issues related to plywood use in construction sites on buildings, sidewalks, curbs and roadways. The study is to include all known safety incidents involving plywood, as well as the feasibility and safety of using alternatives to plywood in such construction sites.

b. The department of transportation and department of buildings shall deliver the results of the study to the council within 120 days of the enactment of this law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 573

By Council Member Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of voluntary registry for persons with special medical needs.**

*Be it enacted by the Council as follows:*

Section 1. Title 10 of the administrative code of the city of New York is amended to add a new chapter 9, to read as follows:

**Chapter 9**  
**Voluntary Special Medical Needs Registry**

**§10-901 Definitions.**

**§10-902 Voluntary Registry.**

**§10-903 Registration Requirements.**

**§10-904 Disclosure of Information.**

**§10-905 Rules.**

*§10-901 Definitions. For the purposes of this chapter:*

*Agent. The term “agent” means: 1. a parent of a person with special medical needs; 2. a legally appointed guardian or custodian of a person with special medical needs; or 3. any person granted authority to act as attorney-in-fact for a person with special medical needs under a power of attorney that grants power over benefits from governmental programs under New York State General Obligations Law §5-1502J or power over all other matters as set forth in New York State General Obligations Law §5-1502N.*

*Commissioner. The term “commissioner” means the police commissioner of the city of New York or his or her designee.*

*Department. The term “department” shall mean the police department of the city of New York.*

*GPS Tracking Device. The term “GPS tracking device” means a device that communicates with global positioning satellites to determine an individual’s physical location and transmits such location to a remote server.*

*Registrant. The term “registrant” means a person with special medical needs, as defined by this section, who has voluntarily registered, personally or through an agent, to be included on the department’s special medical needs registry;*

*Special Medical Needs. The term “special medical needs” means autism spectrum disorder, alzheimer’s disease or other dementia, or any other medically diagnosed illness that either (i) renders a person unable to communicate or unable to recognize familiar faces or places; or (ii) causes a person to be prone to wandering or elopement.*

**§10-902 Voluntary Registry.** Within sixty days of the enactment of this law, the department shall create and maintain a voluntary registry of persons with special medical needs who reside within the city of New York. The registry shall include, at a minimum, the name, address, telephone number, medical condition, and physical features of each registrant, as well as the contact information for all agents of registrants and any other persons designated as an emergency contact for a registrant. In addition, the registry shall include a unique access code or any other type of information necessary to access the GPS tracking device being worn by the registrant in the event that such registrant is reported missing.

**§10-903 Registration Requirements.** To be included on the department’s special medical needs registry, a person with special medical needs must personally, or through his or her agent, provide the department with all necessary information, as prescribed by the commissioner. Once enrolled, all registrants will receive a department approved GPS tracking device, which is to be worn by the registrant so that the department is able to locate such registrant should such registrant be reported missing in a manner to be prescribed by the commissioner pursuant to this chapter. The department shall only track the location of registrants in the event that such registrant has been reported missing to the department by an agent of the registrant or any other persons designated as an emergency contact for a registrant, including school administrators or camp employees if such person has been designated as an emergency contact.

**§10-904 Disclosure of Information.** In the event that a registrant is reported missing, the department may, as appropriate and necessary, share information contained in the registry established pursuant to this chapter with other city agencies, including, but not limited to, the fire department, the office of emergency management, the human resources administration, the department for the aging, the department of health and mental hygiene, the department of education, and the department of transportation.

§10-905 Rules. Within one hundred and twenty days of the enactment of this law, the commissioner shall make and promulgate rules and regulations necessary for the proper implementation of this chapter. The rules and regulations shall include, but not be limited to:

- a. The form and manner in which a person with special medical needs, either personally or through his or her agent, can voluntarily register to be a part of the department's special medical needs registry;
- b. The medical information needed by the department to confirm the existence of a special medical need, as defined in this chapter;
- c. The identifying, medical, and other information to be collected by the department at the time of registration in order to assist the department and medical services providers in the event that the registrant is reported missing;
- d. The manner in which the department shall monitor GPS tracking devices;
- e. The protocols to be followed for tracking registrants, such as the manner in which a registrant must be reported missing;
- f. A description of the efforts the department shall undertake to educate and inform the residents of the City of New York that such registry is available; and
- g. Guidelines to ensure that a registrant's identifying information remains private to the greatest extent possible.

§2. This law shall take effect sixty days after its enactment into law.

Referred to the Committee on Public Safety.

Res. No. 178

**Resolution calling on the Federal Aviation Administration to amend the North Shore helicopter route to extend further west to cover Northeast Queens.**

By Council Member Vallone.

**Whereas**, In 2007, U.S. Senator Charles Schumer and Congressman Tim Bishop conducted a meeting with the Federal Aviation Administration (FAA), local helicopter operators and airport proprietors to address noise complaints stemming from helicopter operations along the north shore of Long Island, NY; and

**Whereas**, In 2008, as a result of this meeting, the FAA established a voluntary route that helicopter pilots could take over the north shore of Long Island, NY (the "North Shore helicopter route"); and

**Whereas**, In 2012, in response to concerns from a large number of residents disturbed by the level of noise from helicopters operating over Long Island, the FAA adopted a rule generally mandating use of the North Shore helicopter route; and

**Whereas**, Such rule was scheduled to lapse in 2 years unless the FAA determined that a permanent rule was merited; and

**Whereas**, In 2014, the FAA published a rule that extends the requirement for the mandatory North Shore helicopter route for an additional two years, and in July 2016 ruled on another extension, this time for four years until August 2020; and

**Whereas**, According to the FAA's North Shore helicopter route training, the mandatory route the helicopters have to fly only extends along the shore of Long Island; and

**Whereas**, There are four heliports in the city of New York that accept charter flights flying to and from Long Island that are required to fly along the North Shore helicopter route; and

**Whereas**, The North Shore helicopter route does not extend west of Long Island to cover areas of the city of New York that are also impacted by helicopters flying between the city of New York to Long Island, NY; and

**Whereas**, In August 2015, Senator Charles Schumer sent a letter to urge the FAA Administrator to address the noise pollution caused by heavy helicopter traffic throughout Northeast Queens, including Whitestone and Malba Garden; and

**Whereas**, The letter specified that the FAA could apply its authority and create or make changes to helicopter flight patterns to redirect their flight paths, whenever possible, to all-water routes; now, therefore, be it

**Resolved**, That the Council of the city of New York calls on the Federal Aviation Administration to amend the North Shore helicopter route to extend further west to cover Northeast Queens.

Referred to the Committee on Economic Development.

Int. No. 574

By Council Members Van Bramer and Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to provide half-fare metrocards to eligible recipients of public assistance**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-142 to read as follows:

§ 21-142 *Half-fare metrocards. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Engageable. The term “engageable” means an individual who is required to participate in employment, programs or activities in order to receive public assistance.*

*Public assistance. The term “public assistance” means safety net assistance and family assistance provided by the New York city department of social services/human resources administration.*

*b. The department shall provide half-fare metrocards to all engageable public assistance recipients who require transportation to travel to locations related to employment, including but not limited to, job interviews, work activities, places of employment, and education and training. Such recipients shall receive a half-fare metrocard for the duration of their time on public assistance.*

§ 2. This local law takes effect 120 after its enactment, except that the commissioner of social services shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on General Welfare.

Int. No. 575

By Council Members Van Bramer, Chin and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring all children with an individualized education program to be transported in buses with air-conditioning**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-605 of the administrative code of the city of New York is amended to read as follows:

a. Any bus or other motor vehicle transporting a child with a disability to and from a school in the city pursuant to any agreement or contract shall be air-conditioned when the ambient outside temperature exceeds seventy degrees Fahrenheit. Drivers of all such vehicles shall utilize such air conditioning systems in order to make the internal climate of such vehicles comfortable to passengers in order to protect or enhance the health of children with disabilities. Any failure, mechanical or otherwise, of an air-conditioning system required by this section shall be repaired and restored to operable condition as soon as is practicable, but in no event more than three business days subsequent to the failure. For purposes of this section, "child with a disability" shall mean a

child with a disability as defined in section 4401(1) of the education law [who requires an air-conditioned environment for health reasons].

§2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Education.

Int. No. 576

By Council Members Van Bramer, Kallos, Lander, Chin and Cabrera.

**A Local Law to amend the New York city charter, in relation to requiring the department of citywide administrative services to issue an annual report on collisions involving city-owned vehicles**

*Be it enacted by the Council as follows:*

Section 1. Section 827 of chapter 35 of the New York city charter, as added by local law 59 for the year 1996, is amended by adding a new subdivision b to read as follows:

§ 827. Automotive services. a. The commissioner shall acquire by purchase, lease or otherwise, vehicles and other automotive equipment for the use of city agencies; manage, maintain, store and operate a fleet of motor vehicles; assign fleets to agencies in accordance with the direction of the mayor and ensure the effective operation of all shops, yards, garages, fuel depots and other facilities required for the maintenance of fleets operated by agencies; and ensure the maintenance of records for all city-owned vehicles.

*b. Beginning no later than June 1, 2017 and no later than every June 1 thereafter, the commissioner shall submit to the city council and post on the website of the department of citywide administrative services a report providing information regarding collisions involving city-owned vehicles during the previous calendar year. Such report shall set forth information including but not limited to the following:*

*(1) total number of collisions, disaggregated by (a) agency, (b) borough, (c) community board, (d) if outside the city of New York, county, (e) whether the collision was with a moving or non-moving object, (f) weather condition at time of collision, (g) roadway surface condition at time of collision and (h) direction of impact;*

*(2) total number of collisions with fatalities, disaggregated by (a) agency, (b) borough, (c) community board, (d) if outside the city of New York, county, (e) whether the collision was with a moving or non-moving object, (f) weather condition at time of collision, (g) roadway surface condition at time of collision and (h) direction of impact;*

*(3) total number of collisions with injuries, disaggregated by (a) agency, (b) borough, (c) community board, (d) if outside the city of New York, county, (e) whether the collision was with a moving or non-moving object, (f) weather condition at time of collision, (g) roadway surface condition at time of collision and (h) direction of impact;*

*(4) total number of collisions in which driver was injured, disaggregated by agency;*

*(5) total number of collisions in which passengers were injured, disaggregated by agency;*

*(6) total number of collisions in which a pedestrian was injured, disaggregated by agency;*

*(7) number of collisions in which a bicyclist was injured, disaggregated by agency; and*

*(8) total number of preventable collisions, disaggregated by (a) agency, (b) borough, (c) community board, (d) if outside the city of New York, county, (e) whether the collision was with a moving or non-moving object, (f) weather condition at time of collision, (g) roadway surface condition at time of collision and (h) direction of impact.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

## Int. No. 577

By Council Members Van Bramer, Lander, Chin, Torres and Ampry-Samuel.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on vacant public housing dwelling units**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

*SUBCHAPTER 7  
REPORTS RELATED TO PUBLIC HOUSING*

*§ 3-170 General.*

*§ 3-171 Report on vacant public housing dwelling units.*

*§ 3-170 General. As used in this subchapter:*

*Dwelling unit. The term “dwelling unit” has the meaning ascribed to such term in the housing maintenance code.*

*Public housing. The term “public housing” has the meaning ascribed to such term in section 1437a of title 42 of the United States code.*

*Vacant. The term “vacant” means, with respect to a dwelling unit, that such dwelling unit is not occupied for use as a residence.*

*§ 3-171 Report on vacant public housing dwelling units. a. No later than 60 days after the end of each calendar year, beginning with the first calendar year that commences after the effective date of the local law that added this section, the New York City Housing Authority shall make publicly available online and submit to the council a report on public housing dwelling units that were vacant for more than 30 continuous days during such year. Such report shall include, at a minimum, the following information, disaggregated by public housing development, borough and council district:*

*1. The number of public housing dwelling units that have been vacant for more than 30 continuous days during such year;*

*2. For each such unit:*

*(a) The reason such unit was vacant for more than 30 continuous days during such year;*

*(b) Whether, during such vacancy, such unit was habitable, available for use as a residence and being offered to prospective occupants for such use; and*

*(c) The number of days such unit was vacant during such year and, if such unit was vacant for the whole year, the number of days since such unit was last occupied.*

*b. Such information shall be posted on the city’s website in a non-proprietary format that permits automated processing.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Public Housing.

## Int. No. 578

By Council Members Van Bramer, Levine, Grodenchik, Lander and Holden

**A Local Law to amend the New York city charter, in relation to the establishment and development of school gardens**

*Be it enacted by the Council as follows:*



Section 1. Section 20 of the New York city charter is amended by adding a new subdivision k to read as follows:

*k. School gardens. 1. There is hereby established within the office an interagency school gardens team under the management of the director or the director's designee to support the creation and maintenance of school gardens.*

*2. The interagency school gardens team shall include as members the commissioners of buildings, education, environmental protection, health and mental hygiene, parks and recreation, and the chairperson of the city planning commission, or their respective designees, and such other members as the director shall designate.*

*3. The interagency school gardens team shall:*

*i. identify and catalogue existing school garden locations and potential school garden locations;*

*ii. develop and administer incentive programs to encourage public or private entities to help schools identify and develop school garden locations;*

*iii. promote community participation and community assistance in the identification and development of school garden locations;*

*iv. disseminate information to schools about the resources that are available for identifying and developing school garden locations;*

*v. facilitate interactions among city agencies, community based organizations, environmental experts, and schools regarding school gardens;*

*vi. support the efforts of schools to obtain and utilize federal, state, and private incentives to identify and develop school garden locations;*

*vii. take other such actions as may be necessary to facilitate the identification and development of school garden locations.*

*4. No later than April 22, 2019, and no later than every April 22 thereafter, the interagency school gardens team shall prepare and submit to the mayor and the speaker of the city council a report on the city's school gardens, disaggregated by community district and council district, where possible. Such report may be included in the office's annual report on the city's long-term planning and sustainability efforts. The report shall include, but not be limited to:*

*i. locations of existing school gardens;*

*ii. potential locations for future school gardens; and*

*iii. the ways in which schools have implemented school garden programs, such as whether the gardens are part of the curriculum or extra-curricular activities and whether the gardens serve as a source of food to the school and/or surrounding community.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Parks and Recreation.

Int. No. 579

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to provide information requiring school compliance with the americans with disabilities act**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York, is amended by adding a new chapter 21 to title 21-A to read as follows:

*CHAPTER 21*

*SCHOOL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT*

*§ 21-988 a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Accommodation request. The term “accommodation request” means any request for the removal or mitigation of a structural or non-structural barrier to accessibility, including, but not limited to, communication barriers.*

*ADA. The term “ADA” means chapter 126 of title 42 of the United States code and any applicable guidelines or regulations pursuant to such law.*

*ADA coordinator. The term “ADA coordinator” means the person designated to coordinate each school’s effort to comply with and carry out the ADA, including, but not limited to, any investigation of any complaint communicated to the school alleging noncompliance or alleging any actions that would be prohibited by the ADA.*

*Alteration. The term “alteration” means any construction, including, but not limited to, upgrades, that affects or could affect the accessibility of the school or part of the school or outdoor school facility.*

*Communication barrier. The term “communication barrier” means any barrier that impedes communication by people with disabilities including, but not limited to, structural elements that are an integral part of the physical structure of a facility or existing facility.*

*Compliance. The term “compliance” means complete conformity with the requirements of the ADA.*

*Facility. The term “facility” means all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots or other real or personal property, including, but not limited to, the site where the building, property, structure or equipment is located.*

*Non-structural barrier. The term “non-structural barrier” means a barrier to accessibility that relates to access to services, programs or activities.*

*Outdoor school facility. The term “outdoor school facility” means any outdoor premises or grounds owned or lawfully operated by or on behalf of the department that contains any device, structure or implement, fixed or portable, used or intended to be used by students for recreational or athletic purposes including, but not limited to, play equipment. The term includes outdoor school facilities that are jointly owned or operated in conjunction with the department of parks and recreation.*

*School. The term “school” means a school of the city school district of the city of New York and includes a charter school.*

*Structural barrier. The term “structural barrier” means any physical element of a facility that impedes physical access or communication by persons with disabilities.*

*Student with disability. The term “student with disability” has the same meaning as set forth in section 4401 of the education law, except such term does not include a pre-kindergarten student or a preschool child.*

*Zoned School. The term “zoned school” means a school where eligibility to attend is based solely on residence within a defined geographical area within a district.*

*b. Every year on May 1, beginning with May 1, 2017, the department shall submit to the speaker of the council, post to its website and make available to students and parents, an annual report regarding its compliance with the ADA.*

*c. With regard to indoor facilities, the annual report shall include, but not be limited to, the following information:*

- 1. The name, office address, email address and telephone number of the ADA coordinator for each school;*
- 2. The location where such information is posted conspicuously in the school;*
- 3. The process that students, parents and employees use to for an accommodation request, whether electronically, in person, in paper form or in a combination thereof;*
- 4. The number and percentage of schools that are in complete compliance with the ADA ;*
- 5. Any alterations that have been made and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;*
- 6. The number and percentage of schools that are currently undergoing alterations, or for which alterations are planned, and, of those, the number and percentage of those alterations planned to be in complete compliance with the ADA;*
- 7. The number and percentage of schools that underwent alterations on or after March 15, 2012, and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;*

8. *The number of accommodation requests that have been made at each school and whether the accommodation request was made by a parent, an employee or a student, and whether the school is the student's zoned school;*

9. *The nature of the accommodation request, including, but not limited to, whether it relates to structural, non-structural or communication barriers, and the action taken in response to the request;*

10. *The number and percentage of students with disabilities who have to enroll in other schools because their zoned schools cannot accommodate their disabilities, a list of schools that have accommodated those students, and the number of students sent to each school;*

11. *On average, the total travel time, at the beginning and at the end of each school day, a student with a disability has to travel to a school other than the student's zoned school;*

12. *Information regarding the department's protocols to inform students, parents and employees about how to appeal an accommodation request that has been denied pursuant to the department's grievance procedure;*

13. *Whether each school is in compliance with the ADA, including, but not limited to:*

(a) *platform lifts;*

(b) *ramps;*

(c) *handrails; and*

(d) *an accessible entrance;*

(e) *Or, if each entrance is not in compliance with the ADA, signs that direct a person to the nearest entrance that is compliant with the ADA;*

14. *Whether each school has an elevator in compliance with the ADA;*

15. *Whether the accessible route in compliance with the ADA, to the maximum extent feasible, coincides with the route for the general public connecting buildings, facilities, spaces and elements;*

16. *Whether each auditorium is in compliance with the ADA, including, but not limited to, having:*

(a) *an assistive listening system;*

(b) *signs indicating that an assistive listening system is available; and*

(c) *spaces for wheelchairs;*

17. *Whether each bathroom is in compliance with the ADA, including, but not limited to, having:*

(a) *an accessible bathroom on each floor;*

(b) *grab bars; and*

(c) *common use sinks and faucets;*

18. *Whether each cafeteria is in compliance with the ADA;*

19. *Whether each drinking fountain is in compliance with the ADA;*

20. *Whether common use offices and rooms are in compliance with the ADA, including, but not limited to:*

(a) *classrooms;*

(b) *occupational therapy rooms;*

(c) *art rooms;*

(d) *laboratories;*

(e) *main offices;*

(f) *medical offices;*

(g) *libraries; and*

(h) *gymnasiums;*

21. *Whether each common use door is in compliance with the ADA;*

22. *Whether buildings with visual alarms have visual alarms in each common use room; and*

23. *Whether any interior or exterior signs identifying permanent rooms and spaces have accessible features in compliance with the ADA.*

*d. With regard to outdoor school facilities, the department shall include, but is not limited to, the following information in its annual report:*

1. *The number and percentage of outdoor school facilities in complete compliance with the ADA;*

2. *The number and percentage of outdoor school facilities that are currently undergoing alterations or for which alterations are planned and whether those alterations are to be in complete compliance with the ADA;*

3. *The number and percentage of outdoor school facilities that underwent alterations on or after March 15, 2012, and, of those, the number and percentage of those alterations that were in complete compliance with the ADA;*

4. *The number of accommodation requests that have been made by a student, parent or employee at the student's zoned school;*

5. *The nature of the accommodation request, including, but not limited to, information regarding the mitigation of communication, non-structural and structural barriers to accessibility at outdoor school facilities including, but not limited to, any renovations or programmatic changes necessitated by the request, with personally identifying information redacted as needed, and, if the accommodation request was not granted, the reason the request was denied;*

6. *Any alterations that have been made and, of those, the number and percentage of those alterations that were in complete compliance with the ADA; and*

7. *Whether each outdoor school facility is in compliance with the ADA, including, but not limited to:*

(a) *entrances and exits;*

(b) *play equipment;*

(c) *availability of transfer platforms;*

(d) *seating;*

(e) *changes in level that are sloped in compliance with the ADA; and*

(f) *water fountains.*

*e. All information required by this section shall be aggregated citywide, as well as disaggregated by borough, council district, community school district, and school.*

*f. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

*g. In addition to publication on the department's website, the department shall ensure that the information required by subdivisions c and d of this section is published on the city's website in a non-proprietary format that permits automated processing.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 580

By Council Member Williams.

**A Local Law to amend the New York city charter, in relation to the expansion of the Franchise and Concession Review Committee**

*Be it enacted by the Council as follows:*

Section 1. Section 373 of the New York city charter is amended to read as follows:

§ 373. Franchise and concession review committee. a. A franchise and concession review committee is hereby established. The committee shall consist of the following officials or their designees: the mayor, who shall serve as chair; the director of the office of management and budget; the corporation counsel; the comptroller; *the public advocate*; and one additional appointee of the mayor. Whenever the committee reviews a proposed franchise or concession or the procedures for granting a particular concession, the borough president of the borough in which such franchise or concession is located or his or her designee shall also serve as a member of the committee. If such a franchise, concession or procedure relates to more than one borough, the borough presidents of such boroughs shall designate one of such borough presidents or another individual to serve as a member of the committee for the purpose of considering such matter.

b. The mayor shall designate a public officer or employee to act as the clerk of the committee who shall be responsible for maintaining the records and minutes of the committee and performing such other duties as may be required.

c. The committee shall act by the affirmative vote of at least [four] *five* members except that the affirmative vote of at least [five] *six* members shall be required to approve a franchise agreement.

d. The committee shall:

(1) adopt rules establishing procedures for granting concessions through public bidding or by other means designed to ensure a competitive and fair process;

(2) review and approve the granting of concessions that are proposed to be granted pursuant to procedures that differ from the procedures established by the rules of the committee; provided, however, that the committee need not review awards of concessions that are not subject to renewal and have a term of less than thirty days;

(3) determine whether each franchise agreement proposed by a city agency is consistent with the request for proposal or other solicitation pursuant to which such agreement was negotiated and require appropriate modifications to any such agreements to correct any significant inconsistencies; and

(4) review and approve the selection of franchisees pursuant to subdivision f of section three hundred sixty-three.

§2. This local law shall take effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Int. No. 581

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to fluoridation of the municipal water supply**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.7 to read as follows:

*§ 17-199.7 Fluoridation of municipal water supply. a. Definitions. For purposes of this section the following terms have the following meanings:*

*Fluoridation. The term "fluoridation" means treatment of water by the adjustment of fluoride ion concentrations to provide the optimum fluoride concentration in water.*

*Parts per million. "Parts per million" means a unit of concentration expressed in parts per million and is equivalent to milligrams per liter.*

*Municipal water supply. "Municipal water supply" means all pipes, mains and structures owned and/or maintained by the city, for the conveyance of drinking water to the public for human consumption or any connection to the municipal water supply system.*

*b. The municipal water supply shall be fluoridated in the following manner: a fluoride compound shall be added to the municipal water supply at an optimum concentration of about 0.7 parts per million of the fluoride ion, provided, however, the concentration of such ion shall not exceed 1.0 parts per million at any time.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of health shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Health.

Int. No. 582

By Council Member Williams.

**A Local Law to amend the New York city building code, in relation to requiring safety netting and guardrail systems to protect floor openings**

*Be it enacted by the Council as follows:*

Section 1. Section 3306.9.12.1 of the building code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3306.9.12.1 Protection of floor openings.** Every opening in a floor used for the removal of debris shall be tightly enclosed with a shaftway, extending from floor to floor, with such shaftway enclosed with:

1. Planking not less than 2 inches (51 mm) in thickness, or equivalent solid material; [or]
2. Where the opening is used for the removal of noncombustible material, wire mesh may be utilized in lieu of planking, provided such mesh is not less than number 18 gage wire mesh, with openings in the wire no longer than ½ inch (13 mm), and also provided that the wire mesh is securely attached, in accordance with drawings developed by a registered design professional, to the shaftway so that the wire mesh enclosure in any location does not deflect more than 2 inches (51 mm) when a force of at least 200 pounds (890 n) is applied along any horizontal portion of such wire mesh enclosure[.]; *or*
3. *A guardrail system, vertical netting and horizontal netting where required by Sections 3308.6 and 3308.7.*

**Exceptions:**

1. In buildings not more than six stories in height, a shaftway is not required. Instead openings in the floor shall be solidly planked over while not in use by planking not less than 2 inches (51 mm) in thickness, or equivalent solid material, and laid close. *Where such working deck reaches a height of six stories or 75 feet above the level of the ground, horizontal netting shall be provided at a level not more than two stories or 30 feet below, as required by section 3308.6.1.*
2. A shaftway is not required at the working deck. Instead, openings in the working deck shall be solidly planked over while not in use by planking not less than 2 inches (51 mm) in thickness, or equivalent solid material, and laid close. *Where such working deck reaches a height of six stories or 75 feet above the level of the ground, horizontal netting shall be provided at a level not more than two stories or 30 feet below, as required by section 3308.6.1.*

§ 2. Section 3308 of the building code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**SECTION BC 3308  
PROTECTION OF UNENCLOSED PERIMETERS, INTERIOR SHAFTWAYS, AND FLOOR  
OPENINGS**

§ 3. Section 3308.1 of the building code of the city of New York, as amended by local law 141 for the year 2013, is amended to read as follows:

**3308.1 Scope.** Safety netting systems and guardrail systems shall be provided as required by this section to protect unenclosed perimeters, *interior shaftways and floor openings*. Except where this section authorizes the temporary removal of unenclosed perimeter, *interior shaftway or floor opening* protection, no

work shall occur, nor shall materials be stored on any level where required unenclosed perimeter, *interior shaftway or floor opening* protection is not installed.

§ 4. Section 3308.5 of the building code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3308.5 Vertical safety netting systems.** Vertical safety netting shall be installed and maintained to cover all unenclosed perimeters *and interior shaftways*.

§ 5. Section 3308.6.1.1 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3308.6.1.1 During construction.** When, during the course of new building construction, or during the vertical or horizontal enlargement of an existing building, the uppermost walkable floor reaches a height of six stories or 75 feet (22 860 mm) above the level of the ground or an adjoining roof, horizontal safety netting shall be provided at a level not more than two stories or 30 feet (9144 mm) below:

1. *Any floor opening or interior shaftway;*

[1.] 2. In concrete structures: the stripping floor; or

[2.] 3. In steel structures: at the uppermost story where the concrete floor slab has been poured.

**Exception:** When tarpaulins encase one or more floors immediately below the finished concrete floor in order to maintain temporary heat, the horizontal netting may be located no more than three floors below the finished concrete floor.

§ 6. Section 3308.6.1.2 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3308.6.1.2 During demolition.** When the demolition of the exterior walls or the roof of a building occurs at a height greater than 6 stories or 75 feet (22 860 mm), horizontal safety netting shall be provided at a level not more than two stories or 30 feet (9144 mm) below the story from which the exterior walls and roof are being removed *or below any floor opening or interior shaftway*.

**Exception:** Demolition of exterior walls only for the purposes of the alteration, maintenance, or repair of a facade shall be in accordance with Section 3308.6.1.3.

§ 7. Section BC 3308.6.1.6 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3308.6.1.6 Temporary removal.** Horizontal safety netting may be temporarily removed in the immediate area where active loading or unloading operations are occurring, or where perimeter work is occurring, or to relocate the nets to a higher level, provided that no concrete work, including formwork placement or stripping, no structural steel placement or assembly, and no work within 10 feet (3048 mm) from an unenclosed perimeter, *interior shaftway or floor opening* of the building occurs on levels above the horizontal safety netting. Horizontal safety nets shall be reinstalled immediately following the end of active loading or unloading operations, or active work, or at the end of the workday, whichever occurs sooner.

§ 8. Section 3308.7 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3308.7 Guardrail system.** A guardrail system shall be installed and maintained to protect all unenclosed perimeters, *interior shaftways and floor openings*.

§ 9. Section 3308.7.7 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3308.7.7 Temporary removal.** Guardrail systems may be temporarily removed in the immediate area where active loading or unloading operations, *including debris removal*, are occurring, or where perimeter work is occurring, provided that:

1. A controlled access zone is established to prevent unauthorized personnel from entering the area where the guardrail system is removed; and
2. Immediately prior to the removal of the guardrail system the floor is broom swept and cleared of all materials and equipment to a distance of at least 10 feet (3048 mm), in all directions, from the area where the guardrail system will be removed, except for material and equipment related to the loading or unloading operation or perimeter work or stored in accordance with Section 3303.4.5.2.

§ 10. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 583

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to evictions of disabled tenants**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 14 to read as follows:

**CHAPTER 14**  
**EVICCTIONS OF DISABLED TENANTS**

§ 26-1401 *Definitions.*

§ 26-1402 *Notification requirement.*

§ 26-1403 *Tenant assistance.*

§ 26-1404 *Reporting.*

§ 26-1405 *Violations.*

§ 26-1406 *Rules.*

§ 26-1401 *Definitions. For the purposes of this chapter, the following terms shall mean:*

**COMMISSIONER.** *The commissioner of housing preservation and development.*

**DEPARTMENT.** *The department of housing preservation and development.*

**DISABLED OCCUPANT.** *A person who is (i) entitled to the possession or use and occupancy of a dwelling unit and (ii) who is a disabled person or the spouse or domestic partner of a disabled person as defined in subdivision m of section 17-306 of this code.*

**DWELLING UNIT.** *A dwelling unit as defined by section 27-2004 of the housing maintenance code.*

**OWNER.** *An owner as defined by section 27-2004 of the housing maintenance code.*



*§ 26-1402 Notification requirement. On or before the day on which an owner serves a petition or notice of petition for a summary proceeding to recover possession of real property, pursuant to article seven of the real property actions and proceedings law or a notice pursuant to section 5(a)(11) of the emergency tenant protection act of 1974, upon a disabled occupant, the owner shall provide written notification to the department of the name, address and phone number of the disabled occupant where an owner knows or has reason to know the occupant is disabled. Such notification shall be in the form and manner determined by the department pursuant to rules promulgated by the department.*

*§ 26-1403. Tenant assistance. Upon receiving a notice pursuant to section 26-1402 of this chapter, the department shall provide to the disabled occupant identified on the notice a list of entities that may provide legal services to disabled tenants, including low-income disabled tenants, or that may assist such tenants in obtaining legal services.*

*§ 26-1404 Reporting. The commissioner, in conjunction with the commissioner on human rights, shall, no later than July first of each year, report to the mayor and the speaker of the council on trends identified in evictions of disabled tenants and any findings or pattern of discrimination against disabled tenants with respect to eviction based upon information received pursuant to section 26-1402 of this chapter.*

*§ 26-1405 Violations. Any person who violates section 26-1402 of this chapter shall be guilty of a class A misdemeanor.*

*§ 26-1406 Rules. The commissioner shall promulgate such rules as may be necessary for the purposes of implementing the provisions of this chapter.*

§2. This local law shall take effect 120 days after it becomes law, except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 584

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to an owner's right of access to make repairs**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2008 of the administrative code of the city of New York is amended to read as follows:

§27-2008 Owner's right of access. No tenant shall refuse to permit the owner, or his or her agent or employee, to enter such tenant's dwelling unit or other space under his or her control to make repairs or improvements required by this code or other law or to inspect such apartment or other space to determine compliance with this code or any other provision of law, if the right of entry is exercised at a reasonable time, *including evening hours and weekends*, and in a reasonable manner. The department may by [regulation] *rule* restrict the time and manner of such inspections.

§2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Housing and Buildings.

## Int. No. 585

By Council Member Williams

**A Local Law to amend the administrative code of the city of New York, in relation to posting certain information in multiple dwellings containing rent-regulated units**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 27-2098 of the administrative code of the city of New York is amended by adding a new paragraph 7 to read as follows:

*(7) If the dwelling is a multiple dwelling, a statement of whether or not the multiple dwelling contains any dwelling unit subject to rent control pursuant to chapter three of title twenty-six of this code or rent stabilization pursuant to chapter four of title twenty-six of this code and the number of such dwelling units as applicable.*

§ 2. Section 27-2104 of the administrative code of the city of New York is amended to read as follows:

*a. An identification sign containing the dwelling serial number assigned by the department for the purpose of identifying the registered multiple dwelling and the owner, managing agent, and agent designated by the owner for the collection of rental payments if different from the managing agent, shall be posted in every multiple dwelling in the manner and location prescribed by the department.*

*b. In any multiple dwelling that contains one or more dwelling units subject to rent control pursuant to chapter three of title twenty-six of this code or rent stabilization pursuant to chapter four of title twenty-six of this code, a sign shall be posted in the manner and location prescribed by the department and shall read as follows: "This building contains one or more units that are subject to rent regulation."*

§ 3. This local law takes effect 120 days after becomes law; provided, however, that the commissioner of housing preservation and development shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

## Int. No. 586

By Council Member Williams.

**A Local Law in relation to the adoption of a New York city existing buildings construction code**

*Be it enacted by the Council as follows:*

*Section 1. Within one year after the effective date of this local law, the commissioner of buildings shall present to the city council his or her recommendations with respect to the adoption of a code to govern the repair, alteration, change of occupancy, addition and relocation of existing buildings and shall, if he or she determines to recommend adoption of such a code, present his or her recommendations with respect to the content of such code. In addition, prior to the submission of such recommendations to the city council, such recommendations shall be submitted to an advisory committee established by the commissioner pursuant to this title for review and comment. Such committee shall be comprised of architects, engineers, property owners and managers, representatives of the various construction trades and other relevant persons as determined by the commissioner.*

§2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

## Int. No. 587

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to portable storage containers**

*Be it enacted by the Council as follows:*

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.13 to read as follows:

**§ 28-105.13 Permit for portable storage containers.** *No person shall place a portable storage container on residential property unless a permit for such container has been issued by the commissioner. Such permit shall be for a period of no more than six months and may be renewed for an additional six month period at the discretion of the commissioner. A person shall be allowed no more than one permit for any five-year period.*

**§ 28-105.13.1 Definitions.** *For the purposes of this section, “portable storage container” means any weather resistant box-like container transported by truck or trailer to a desired location and designed for the outdoor storage of personal property of household goods for temporary use only. For the purposes of this section, dumpsters, the trailer portion of a tractor-trailer, or prefabricated sheds shall not be considered a portable storage container.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Housing and Buildings.

## Int. No. 588

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to exchanging gifts with department of buildings employees**

*Be it enacted by the Council as follows:*

Section 1. Article 101 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-101.6 to read as follows:

**§ 28-101.6 Gift giving prohibited.** *No gift, benefit or other thing of value may be offered or given between a department employee and a person doing business with the city. The department may, by rule, establish stricter requirements on gift exchanges involving department employees.*

**Exception:** *Unless otherwise provided by department rules, a department employee may accept gifts that are customary on family or social occasions from a family member or close personal friend who such employee knows is or intends to become engaged in business dealings with the city, when:*

1. *Such employee can show that the family or personal relationship is the controlling factor, rather than the business dealings; and*
2. *Such employee’s receipt of the gift would, to the department’s satisfaction, not result in or create the appearance that such employee is:*

- 2.1 *Using such employee's office for private gain;*
- 2.2 *Giving preferential treatment to any person;*
- 2.3 *Losing independence or impartiality; or*
- 2.4 *Accepting gifts or favors for performing official duties.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 589

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the hours of operation of certain parks**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding new section 18-155 to read as follows:

*§18-155 Hours of operation of parks. Notwithstanding the provisions of any other law or rule to the contrary, persons may at all times enter and use any park within the jurisdiction of the commissioner that is located within a zoning district classified as a commercial or manufacturing district pursuant to the New York city zoning resolution or is bordered solely by such zoning districts.*

§2. This local law shall take effect 30 days after it becomes law, except that the commissioner of parks and recreation shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Parks and Recreation.

Int. No. 590

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports of services provided to any private entity.**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-170 to read as follows:

*§14-170. Services provided to private entities.*

*a. Definitions. For the purpose of this section the following terms shall have the following meanings:*

*1. "Police services" shall mean any action taken by a uniformed or plain-clothed off-duty member of the department on behalf of a private entity, as defined in this section, for the purpose of preventing crimes, detecting*

*crimes, enforcing laws that are designed to maintain civil peace and order, or protecting life or property from accidental or willful injury; and*

2. "Private entity" shall mean any entity that is not a unit of government, including but not limited to a natural person, corporation, association, partnership, limited liability company, limited liability partnership, nonprofit organization or other legal entity.

b. *Annual Report.* The department shall submit to the council on annual basis a report, sorted by month, detailing police services provided in the preceding year by any member of the department to a private entity for a fee payable to the department. Such report shall include, but not be limited to, the police services provided by the department's Paid Detail Unit, or any similar or successor unit. Such report shall also include:

1. *the total number of private entities receiving such police services, disaggregated by entity type, including but not limited to: (i) private citizen; (ii) corporation; (iii) partnership; and (iv) nonprofit organization;*

2. *a list of the private entities receiving such police services, except where disclosure of such information could compromise the safety of the public or police officers or could otherwise compromise law enforcement operations;*

3. *the costs, if any, to the department for administering such police services to such private entities;*

4. *the total number of police personnel providing such police services, disaggregated by rank; and*

5. *the total amount of revenue, if any, generated by providing such police services.*

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 591

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to borough-specific coordination of snow event response and communication.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-124.2 to read as follows:

§ 16-124.2 *Borough-specific snow event coordinator.* a. *The commissioner shall designate a department supervisor or manager within each borough who, during a snow event, as such term is defined in paragraph 6 of subdivision a of section 16-124.1 of this chapter shall be responsible for the following:*

(1) *Implementing the borough-specific snow plan pursuant to section 16-124.1 of this chapter;*

(2) *Directing communication with the office of emergency management, the commissioner, other relevant agencies and offices, and relevant city employees, non-city workers and private entities involved in snow removal activities within the borough;*

(3) *Directing communication with borough elected officials and community boards in order to receive and respond to information from such elected officials and community boards regarding snow event conditions, and to provide snow management-related information to such elected officials and community boards; and*

(4) *Coordinating borough-wide snow removal activities of all relevant agencies and offices, city employees, non-city workers and private entities based on snow event conditions.*

*All plans issued to the council or the public relating to snow removal shall include the contact information of such designated snow event coordinator for each borough.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Sanitation and Solid Waste Management.

## Int. No. 592

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of sufficient receptacles for the storage of solid waste and increasing certain fines**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-120 of title 16 of the administrative code of the city of New York is amended to read as follows:

§ 16-120 Receptacles for the removal of waste material. a. The owner, lessee, agent, occupant or other person who manages or controls a building or dwelling shall provide and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes; refuse, and liquid waste. *Any such owner, lessee, agent, occupant or other person who manages or controls a building with one hundred units or more shall also provide a dumpster of not less than twenty yards in length for the deposit of refuse.* The receptacles shall be provided for the exclusive use of each building or dwelling and shall be of sufficient size and number to contain the wastes accumulated in such building or dwelling during a period of seventy-two hours. The receptacles shall be made of metal or other material of a grade and type acceptable to the department, the department of health and mental hygiene and the department of housing preservation and development. Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage. Metal containers shall be provided with tight fitting metal covers.

§ 2. Subdivision f of section 16-120 of title 16 of the administrative code of the city of New York is amended to read as follows:

f. Any person violating the provisions of this section, except subdivision e, shall be liable for a civil penalty of not less than [twenty-five nor more than] one hundred dollars *nor more than two hundred dollars* for the first violation, not less than [one hundred dollars nor more than] two hundred dollars *nor more than three hundred dollars* for a second violation within any twelve-month period, and not less than [two hundred dollars nor more than] three hundred dollars *nor more than four hundred dollars* for a third or subsequent violation with any twelve-month period. Any person violating the provisions of subdivision e of this section shall be liable for a civil penalty of not less than one hundred dollars nor more than three hundred dollars for the first violation, not less than two hundred fifty dollars nor more than three hundred fifty dollars for a second violation within any twelve-month period, and not less than three hundred fifty dollars nor more than four hundred dollars for a third or subsequent violation within any twelve month period.

§ 3. This local law shall take effect one hundred eighty days after its enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

## Int. No. 593

By Council Member Williams.

**A Local Law to amend the New York city charter, in relation to diversifying the membership of the conflicts of interest board**

*Be it enacted by the Council as follows:*

Section 1. Section 2602 of chapter 68 of the New York city charter is amended to read as follows:

§ 2602. Conflicts of interest board. a. There shall be a conflicts of interest board consisting of five members, *three members* appointed by the mayor with the advice and consent of the council, *one member appointed by the comptroller with the advice and consent of the council, and one member appointed by the public advocate with the advice and consent of the council.* The [ mayor] *members* shall designate a chair.

b. Members shall be chosen for their independence, integrity, civic commitment and high ethical standards. No person while a member shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, hold any political party office, or appear as a lobbyist before the city.

c. Each member shall serve for a term of six years; provided, however, that of the three members [first] appointed *by the mayor*, one shall be appointed for a term [to expire on March thirty-first, nineteen hundred ninety] *of two years*, one shall be appointed for a term [to expire on March thirty-first, nineteen hundred ninety-two] *of four years* and one shall be appointed for a term [to expire on March thirty-first, nineteen hundred ninety-four] *of six years*, and of the remaining members, one shall be appointed *by the comptroller* for a term [to expire on March thirty first, nineteen hundred ninety two] *of six years* and one shall be appointed *by the public advocate* for a term [to expire on March thirty first, nineteen hundred ninety four] *of six years*. If the [mayor] *appointing authority* has not submitted to the council a nomination for appointment of a successor at least sixty days prior to the expiration of the term of the member whose term is expiring, the term of the member in office shall be extended for an additional year and the term of the successor to such member shall be shortened by an equal amount of time. If the council fails to act within forty-five days of receipt of such nomination from the [mayor] *appointing authority*, the nomination shall be deemed to be confirmed. No member shall serve for more than two consecutive six-year terms. [The three initial nominations by the mayor shall be made by the first day of February, nineteen hundred eighty-nine, and both later nominations by the mayor shall be made by the first day of March, nineteen hundred ninety.] *No later than ninety days after the effective date of the local law amending this subdivision, the mayor, comptroller and public advocate shall each nominate new members to serve terms as provided herein. Such terms shall commence upon the confirmation and appointment of the last member. Upon such confirmation and appointment of the last member, the members of the board appointed prior to the effective date of the local law amending this subdivision shall cease to be members of the board.*

d. Members shall receive a per diem compensation, no less than the highest amount paid to an official appointed to a board or commission with the advice and consent of the council and compensated on a per diem basis, for each calendar day when performing the work of the board.

e. Members of the board shall serve until their successors have been confirmed. Any vacancy occurring other than by expiration of a term shall be filled by nomination by the [mayor] *appointing authority who appointed the vacating member of the board* made to the council within sixty days of the creation of the vacancy, for the unexpired portion of the term of the member succeeded. If the council fails to act within forty-five days of receipt of such nomination from the [mayor] *appointing authority*, the nomination shall be deemed to be confirmed.

f. Members may be removed by the [mayor] *appointing authority* for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for a reply.

g. The board shall appoint a counsel to serve at its pleasure and shall employ or retain such other officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the counsel shall be defined in writing, provided that neither the counsel, nor any other officer, employee or consultant of the board shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations of violations of this chapter, or make final recommendations of or impose penalties. The board may delegate its authority to issue advisory opinions to the chair.

h. The board shall meet at least once a month and at such other times as the chair may deem necessary. Two members of the board shall constitute a quorum and all acts of the board shall be by the affirmative vote of at least two members of the board.

§ 2. This local law becomes effective 90 days after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Standards and Ethics.

## Int. No. 594

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to 311 transmitting image and video data for housing service requests or complaints**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-304 to read as follows:

§ 23-304 *Housing service requests or complaints. Any website or mobile device application used by the 311 customer service center for the intake of 311 requests from the public shall be capable of receiving image and video data in connection with all requests for service or complaints for either the department of buildings or the department of housing preservation and development. Such data shall be transmitted to each such agency as appropriate and be made available to inspectors or other relevant persons within such agencies.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Technology.

## Int. No. 595

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a task force on information security for city agencies**

*Be it enacted by the Council as follows:*

Section 1. Chapter eight of title 23 of the administrative code of the city of New York is amended by adding a new section 23-803 to read as follows:

§ 23-803 *Task Force on Information Security. a. For the purposes of this section:*

*Department. The term "department" means the department of information technology and telecommunications or any successor agency.*

*Personal Information. The term "personal information" means any information concerning an individual which, because of name, number, symbol, mark or other identifier, can be used to identify that individual; including an individual's social security number, driver's license number or non-driver identification card number and credit or debit card number, in combination with any required security code, access code, or password which would permit access to such individual's financial accounts.*

*b. There shall be a task force to study information security protocols for city agencies that collect and store personal information about city residents and to make specific recommendations to the mayor and council for the improvement of such information security protocols.*

*c. The task force shall consist of nine voting members, five of whom shall be appointed by the mayor, and four of whom shall be appointed by the speaker of the council. The commissioner of the department or his or her delegate shall be a non-voting member. Each voting member of the task force shall serve without compensation and at the pleasure of the appointing official and any vacancy shall be filled in the same manner as the original appointment. The voting members shall choose a chairperson from among the voting members.*

*d. The task force shall meet with the commissioner or his or her designee prior to February first and prior to July first each year at which time the commissioner or his or her delegate may respond to any recommendations made by such task force pursuant to this subdivision. The location and time of such meeting shall be determined by the chairperson in coordination with the commissioner. The commissioner, chairperson or any three voting members of the task force may also schedule a meeting of the task force by providing notice*



*of such meeting to all members of the committee at least ten calendar days before such meeting. Notice of all meetings shall be made to the members of the task force by electronic mail and via facsimile as available or via certified mail to the last known address of such member if neither electronic mail nor facsimile is available.*

*e. By December 31 of each year, the task force shall provide to the mayor and the council a report evaluating the status of the information security protocols used by city agencies including, but not limited to: (i) an evaluation of the current information security protocols used by each city agency; (ii) a description of the categories of personal information stored or collected by each agency; (iii) a description of any known breaches to city agency websites or databases where any personal information may have been stolen or compromised during most recent calendar year; and (iv) recommendations for improving the effectiveness of information security protocols for city agencies.*

*f. The task force may at any time make additional recommendations regarding information security protocols independent of the requirements provided for in subdivision d of this section.*

*g. Reports and recommendations of the task force pursuant to subdivisions d and e of this section shall be made available on the department's website within ten days after the release of any such report, recommendation, or response.*

§2. This local law shall take effect 90 days after it becomes law.

Referred to the Committee on Technology.

Int. No. 596

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the fine for the use of unauthorized or fraudulent parking placards**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 6 of section 19-166 of the administrative code of the city of New York is amended to read as follows:

6. Has in his or her custody or possession any of the cards hereinbefore mentioned, or any copy or reproduction thereof; is guilty of an offense punishable by a fine of not less than [two hundred fifty dollars] \$1,250, or imprisonment for not more than thirty days, or both.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 597

By Council Member Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to pedestrian safety reporting**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 19-181 of title 19 of the administrative code of the city of New York section is amended to read as follows:

d. [The department] *Within 30 days of completing the inspection required under subdivisions a and b or any actions required by subdivision c of this section, the department shall send a report concerning such inspection and any recommendations to the council member and community board in whose district the traffic crash*

*location is located and shall make [the] such results [of the inspections required under subdivisions a and b or any actions required by subdivision c of this section] available upon request to the public.*

§ 2. Section 19-182 of title 19 of the administrative code of the city of New York is amended to read as follows:

a. Every [five] *three* years, the department shall conduct a comprehensive study of all traffic crashes involving a pedestrian fatality or serious injury for the most recent [five] *three* years where traffic crash data is available. In each such study, the department shall analyze the conditions and factors associated with each such traffic crash and identify common factors among the crashes, if any. The department shall use such studies to develop strategies to improve pedestrian safety, which may include modifying citywide traffic operations policy, developing pedestrian safety strategies geared towards specific users, including, but not limited to, installation of audible pedestrian signals and other devices to assist those with sight, hearing and mobility impairments, prioritizing locations and/or types of roadways or intersections for safety improvements and making recommendations for improving safety at such locations.

b. The first comprehensive traffic study and plans, including a schedule for implementing strategies for improving pedestrian safety generated by such study, shall be submitted to the mayor and speaker of the council and posted on the department's official website by the thirtieth day of november, two thousand and fifteen. Subsequent studies and plans shall be submitted to the mayor, [and] speaker of the council, *and community boards* and posted on the department's official website every [five] *three* years thereafter by the thirtieth of november [in such years].

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation.

Res. No. 179

**Resolution calling upon the United States Food and Drug Administration to require warning labels on sugar sweetened beverages.**

By Council Member Williams.

**Whereas**, The United States is facing an obesity epidemic and according to the Centers for Disease Control and Prevention, more than one-third of adults are obese; and

**Whereas**, This epidemic also impacts children as approximately 12.5 million children and adolescents between the ages of 2 and 19 are obese; and

**Whereas**, There are many factors that contribute to obesity including caloric intake, level of physical activity, environment, and genetics; and

**Whereas**, Obesity is also an acute problem in New York City, as a majority of New Yorkers are overweight or obese, according to the Department of Health and Mental Hygiene (DOHMH); and

**Whereas**, According to the DOHMH, the biggest contributor to obesity is the sugar that people consume; and

**Whereas**, Sugar-sweetened beverages, such as soda, sports drinks, fruit drinks and tea drinks, are a common source of sugar, with some containing 16 teaspoons of added sugar in a 20-ounce serving; and

**Whereas**, Due to the negative impact that sugar sweetened beverages can have on an individual's health, many organizations have urged the United States Food and Drug Administration to take action; and

**Whereas**, The Center for Science in the Public Interest (CSPI), along with other health groups and state agencies, including, but not limited to, the American Public Health Association, the Trust for America's Health, and the New York State Department of Health, have advocated for messages warning consumers about the risks of weight gain, obesity, diabetes, and other associated health problems; and

**Whereas**, CSPI recommended several labels including: "This drink contains 250 calories. Consider switching to water;" "Drinking too many sugary drinks can promote diabetes and heart disease;" and "For better health, the U.S. government recommends that you limit your consumption of sugary drinks;" and

**Whereas**, CSPI believes that warning labels will raise public awareness about the possible health concerns associated with consuming sugar sweetened beverages; and

**Whereas**, Government must take an increased role in combating the obesity epidemic; and

**Whereas**, Providing warning labels on sugar sweetened beverages is one method to educate the public about the serious health consequences associated with these products; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Food and Drug Administration to require warning labels on sugar sweetened beverages.

Referred to the Committee on Health.

Res. No. 180

**Resolution calling upon the New York City Landmarks Preservation Commission to designate 5224 Tilden Avenue (Tax Block 4737, Tax Lot 10), Borough of Brooklyn, the home of Jackie Robinson, as an historic landmark pursuant to Section 3020 of the New York City Charter.**

By Council Member Williams.

**Whereas**, Jackie Robinson was a pioneer who, on April 15, 1947, broke Major League Baseball's color barrier and became the first African American to play for a MLB team, the Brooklyn Dodgers; and

**Whereas**, Jackie Robinson, who began his career in the Negro Leagues, was named Rookie of the Year in 1947 and led the Brooklyn Dodgers to six National League pennants in ten years and a World Series Championship; and

**Whereas**, Jackie Robinson's inspiring career earned him recognition as the first African American to win a batting title, lead the league in stolen bases, play in an All-Star game, play in the World Series and win a Most Valuable Player award; and

**Whereas**, Jackie Robinson was elected to the Baseball Hall of Fame in 1962 and was the first African American to receive this honor; and

**Whereas**, In March 1984, President Ronald Reagan posthumously awarded Jackie Robinson the Presidential Medal of Freedom; and

**Whereas**, On October 29, 2003, the United States Congress posthumously awarded Jackie Robinson the Congressional Gold Medal, the highest award that it can bestow; and

**Whereas**, Major League Baseball renamed the Rookie of the Year Award the Jackie Robinson Award in his honor; and

**Whereas**, Mr. Robinson's legacy helps to make the American dream more accessible to all; and

**Whereas**, To honor Jackie Robinson's historic achievements, in 1997 Major League Baseball retired his number, 42, throughout baseball; and

**Whereas**, Between 1947 to 1949, Jackie Robinson and his family occupied the home located at 5224 Tilden Avenue, in East Flatbush, Brooklyn, and during that time was named the MLB's Rookie of the Year and the Most Valuable Player; and

**Whereas**, The home, which was designated a National Historic Landmark in 1976, was not only inhabited by Jackie Robinson, who broke the color barrier, but was the home of the first African-American family in East Flatbush, the Palins; and

**Whereas**, If it were not for the fact that one of their neighbors, the Satlows, stood up to the overwhelming racism displayed by the residents of East Flatbush at the time by refusing to sign a petition barring the Palins from purchasing the home, the Palins would not have been able to purchase this property; and

**Whereas**, Brooklyn Dodgers owner Branch Rickey proposed that Jackie Robinson move into this home as a symbolic gesture to combat the effects of segregation which still permeated throughout East Flatbush in the 1940's; and

**Whereas**, It was relatives of the Palins who rented the Tilden Avenue home to Jackie Robinson and his family; and

**Whereas,** The overwhelming majority of constituents from East Flatbush, along with federal, state, and local elected officials, the local Community Board and neighborhood business owners all wholeheartedly support landmarking this property; and

**Whereas,** A nationwide petition calling for the landmark designation of this home by the New York City Landmarks Preservation Commission as of this date have in excess of 8,500 signatures; and

**Whereas,** Jackie Robinson made great contributions to the cause of racial and economic justice, and conferring landmark status to his East Flatbush home is critical to the recognition and preservation of his historical achievements; and

**Whereas,** For African-Americans in East Flatbush, this home represents the triumph over the bigotry and discrimination; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Landmarks Preservation Commission to designate 5224 Tilden Avenue (Tax Block 4737, Tax Lot 10), Borough of Brooklyn, the home of Jackie Robinson as an historic landmark pursuant to Section 3020 of the New York City Charter.

Referred to the Committee on Land Use.

Res. No. 181

**Resolution calling upon Congress to propose an amendment to the Constitution of the United States Section 1 of the 13<sup>th</sup> Amendment, to prohibit slavery and involuntary servitude as a punishment for a crime.**

By Council Members Williams and Cabrera.

**Whereas,** According to the Bureau of Justice Statistics, nearly 2.3 million adults and youth are incarcerated in United States federal and state prisons, and county jails; and

**Whereas,** The prison population in the United States is largest in the world, accounting for nearly 25% of the worlds prisoners; and

**Whereas,** The Thirteenth Amendment to the United States Constitution, enacted in 1865, abolished slavery and involuntary servitude, except as a punishment for a crime that a person has been convicted of; and

**Whereas,** Pursuant to this amendment, persons incarcerated in prisons can be forced to work as punishment for their crimes; and

**Whereas,** Under the Federal Bureau of Prisons, which oversees all federal inmates, all able-bodied sentenced inmates are required to work, except those who participate full time in education or other treatment programs or who are considered security risks ; and

**Whereas,** New York City Charter Section 625 also requires that every sentenced inmate under the authority of the commissioner should be employed and the products of their employment should be utilized in the institution or by another agency; and

**Whereas,** While inmates can be assigned maintenance jobs such as food service, laundry, plumbing, painting or grounds keeping, prisons around the nation also have convict-leasing programs; and

**Whereas,** As part of the convict-leasing program, prisons, for a leasing fee, lease out the labor of incarcerated workers as hired work crews; and

**Whereas,** While these leasing programs promise to enhance inmates' employability after being released and to reduce recidivism, the exploitation of prison labor is a growing national concern; and

**Whereas,** Nearly one million inmates in the United States make office furniture, work in call centers, fabricate body armor, and manufacture textiles, shoes, and clothing; and

**Whereas,** Several industries profit from prison labor, as they often compensate inmates between approximately 93 cents and \$4.73 per day for full-time work; and

**Whereas,** In federal prisons, inmates are compensated to a much lesser degree, often between 12 and 40 cents an hour; and

**Whereas**, Many companies that utilize prison labor can receive up to 40% of the money they pay incarcerated workers in taxpayer-funded reimbursements; and

**Whereas**, While private companies utilize prison labor and make substantial profits, the United States government has also procured prison-made goods; and

**Whereas**, In 2013, the New York Times reported that the United States Department of Defense used federal prison labor, where wages are under \$2 per hour, to cut the cost to manufacture uniforms; and

**Whereas**, Inmates in federal prisons stitched more than \$100 million worth of military uniforms in 2013, and received a fraction of that in wages; and

**Whereas**, If inmates refuse to work they can be punished with solitary confinement, loss of earned recreational time, or have their family visitation revoked; and

**Whereas**, While the United States has substantial labor laws, courts have ruled that because the relationship between prisons and inmates is not that of an employer and a worker, these protections are not extended to prisoners; and

**Whereas**, For example, in *Hale v. Arizona* (1992) the court ruled that the Fair Labor Standards Act, which establishes minimum wage, overtime pay, record keeping, and youth employment standards effecting the private sector and in government jobs, was not intended to include prisoners; and

**Whereas**, In September 2016, inmates across the nation participated in the largest prison strike in history, refusing to work in protest of what many consider modern day slavery; and

**Whereas**, The strike was held on the 45<sup>th</sup> anniversary of the Attica prison revolt, when prisoners took control of a maximum-security correctional facility in Buffalo, New York demanding better conditions and an end to their brutal treatment; and

**Whereas**, The 13<sup>th</sup> Amendment should be amended, as it can be and is interpreted to permit the exploitation of inmates; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on Congress to propose an amendment to Section 1 of the 13<sup>th</sup> Amendment of the Constitution of the United States to prohibit slavery and involuntary servitude as a punishment for a crime.

Referred to the Committee on Civil Service and Labor.

Res. No. 182

**Resolution calling upon the United States Congress to pass, and the President to sign, H.R. 4937, which would provide immigration relief for New York resident Ravidath “Ravi” Lawrence Ragbir and denouncing the unlawful targeting of immigrant rights activists for deportation by the U.S. Immigration and Customs Enforcement (ICE).**

By Council Members Williams, Rodriguez, Menchaca, Richards, Cumbo, Espinal, Dromm, Barron, Rose and Miller.

**Whereas**, In February 2017, the Department of Homeland Security (“DHS”) issued new immigration enforcement guidelines no longer exempting classes or categories of “removable aliens” from potential detention and deportation; and

**Whereas**, This directive was a notable departure from previous immigration enforcement policies that prioritized individuals with significant criminal history for deportation, effectively putting all non-citizens at higher risk of deportation; and

**Whereas**, In Fiscal Year 2017, Immigration and Customs Enforcement (“ICE”) officers apprehended 143,470 immigrants; and

**Whereas**, More immigrants were arrested in the months immediately following the new DHS guidance than in all of Fiscal Year 2016; and

**Whereas**, In light of the new directive, there was a significant rise in the immigration arrests of immigrants with no criminal record, as well as those with only minor, low-level offenses; and

**Whereas,** The directive also led to the increase in apprehension of individuals with final orders of removal who had been allowed to stay in the United States due to their strong ties to their communities and lack of serious criminal history, and conditioned on check-ins in with ICE; and

**Whereas,** The roughly 900,000 individuals present in the United States under these supervision requirements are once again vulnerable to deportation as reports show an increase in immigrants detained at once routine ICE check-ins; and

**Whereas,** In the midst of increased immigration arrests and deportations, the Washington Post, the New York Times, and many major media outlets reported a series of high-profile ICE arrests of prominent immigrant rights activists, alleging that they may have been politically motivated; and

**Whereas,** Ravidath “Ravi” Lawrence Ragbir, activist and Executive Director of the community organization the New Sanctuary Coalition of New York was detained during the course of a regular check-in with ICE, without any prior notice, and despite both his pending challenge to the criminal conviction underlying his deportation order and his tireless work on behalf of immigrants across the nation; and

**Whereas,** Up until the time of his recent detention, Ravi followed the terms of his deferral of deportation by attending regular check-ins with ICE, paying taxes, and abiding by the law; and

**Whereas,** Ravi was released on January 29, 2018 when Federal Judge Katherine Forrest of the Federal District Court for the Southern District of New York found his detention without warning unnecessarily cruel, stating “there is, and ought to be in this great country, the freedom to say goodbye;” and

**Whereas,** Like Ravi, other highly visible immigration activists have been abruptly detained and deported despite their strong ties to the United States and positive contributions to their communities; and

**Whereas,** Jean Montrevil, activist and co-founder of the New Sanctuary Coalition of New York, was also detained at his regular check-in and quickly deported to Haiti, a country still struggling to recover from recent natural disasters and health epidemics; and

**Whereas,** Eliseo Jurado, husband to an immigrant rights activist in Colorado, was picked up by ICE at the grocery store and has been placed into deportation proceedings; and

**Whereas,** Maru Mora Villalpando, an immigrant rights activist in Washington, has been warned by mail from ICE that she may soon be deported; and

**Whereas,** On February 8, 2018, Ravi filed a lawsuit in federal court alleging that ICE is selectively targeting immigrant rights activists for removal and claiming that such conduct violated his rights under the First Amendment; and

**Whereas,** Ravi was granted a temporary stay of deportation pursuant to this new First Amendment lawsuit; and

**Whereas,** Despite his release from ICE custody and temporary deferral of deportation, his profound support from elected officials, faith leaders, and community members and his pending claims for relief, Ravi remains at risk of deportation; and

**Whereas,** United States Representative Nydia M. Velázquez introduced H.R.4937, legislation that would provide relief for Ravidath Lawrence Ragbir by renewing his eligibility for an immigrant visa or for adjustment of status to permanent residence; and

**Whereas,** Expansive deportations and the detention of immigrants cause significant harm and trauma as families are torn apart and individuals are often repatriated to countries to which they no longer have strong ties or where their safety may be at risk; and

**Whereas,** The deportation and detention of highly visible advocates not only has a destabilizing effect on immigrant communities, it can also be construed as politically motivated based on the activists’ outspoken positions contrary to current policy; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, H.R. 4937, which would provide immigration relief for New York resident Ravidath “Ravi” Lawrence Ragbir and denouncing the unlawful targeting of immigrant rights activists for deportation by the U.S. Immigration and Customs Enforcement (ICE).

Referred to the Committee on Immigration.

L.U. No. 23

By Council Member Dromm:

**2524-26 Adam Clayton Powell Boulevard, Block 2032, Lots 30 and 31; Manhattan, Community District No. 10, Council District No. 9.**

Referred to the Committee on Finance.

L.U. No. 24

By Council Member Dromm:

**Jamaica Crossing 147-18 Archer Avenue, Block 9998, Lots 83, 86, 87, 88, 89, 90, and 91; Queens, Community District No. 12, Council District No. 27.**

Referred to the Committee on Finance.

Preconsidered L.U. No. 25

By Council Member Salamanca:

**Application No. 20185165 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 1468, Lots 56 and 63, Borough of Brooklyn, Community Board 16, Council District 41.**

Laid Over by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions).

L.U. No. 26

By Council Member Salamanca:

**Application No. 20185135 HKM (N 180180 HKM) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission (DL 503, LP-2374) of the Interborough Rapid Transit Company Powerhouse, 855-869 Eleventh Avenue (Block 1106, part of Lot 1), as an historic landmark, Borough of Manhattan, Community Board 4, Council District 6.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 27

By Council Member Salamanca:

**Application No. 20185134 HKK (N 180179 HKK) pursuant to Section 3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission (DL 503, LP-2575) of the Empire State Dairy Company Buildings, 2840 Atlantic Avenue (Block 3964, part of Lot 8), as an historic landmark, Borough of Brooklyn, Community Board 5, Council District 37.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

<http://legistar.council.nyc.gov/Calendar.aspx>

## A N N O U N C E M E N T S

**Thursday, February 15, 2018**

Committee on Finance

Daniel Dromm, Chairperson

**Preconsidered Res \_\_\_\_** - By Council Member Dromm - Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

**L.U. 23** - By Council Member Dromm - 2524-26 Adam Clayton Powell Boulevard, Block 2032, Lots 30 and 31; Manhattan, Community District No. 10, Council District No. 9.

**L.U. 24** - By Council Member Dromm - Jamaica Crossing 147-18 Archer Avenue, Block 9998, Lots 83, 86, 87, 88, 89, 90, and 91; Queens, Community District No. 12, Council District No. 27.

**Preconsidered M \_\_\_\_** - Communication from the Office of Management & Budget – Transfer City funds between various agencies in Fiscal Year 2018 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-\_\_).

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....10:00 a.m.

Committee on Immigration

Carlos Menchaca, Chairperson

**Res 182** – By Council Members Williams, Rodriguez, Menchaca, Richards, Cumbo and Espinal - Resolution calling upon the United States Congress to pass, and the President to sign, H.R. 4937, which would provide immigration relief for New York resident Ravidath “Ravi” Lawrence Ragbir and denouncing the unlawful targeting of immigrant rights activists for deportation by the U.S. Immigration and Customs Enforcement (ICE).

Committee Room – City Hall ..... 11:00 a.m.

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*  
.....*Agenda – 1:30 p.m.*

Shortly before the adjournment, the Speaker (Council Member Johnson) recognized journalist Errol Louis and his class who were sitting in the balcony and welcomed them all to the Council Chambers.

Whereupon on motion of the Speaker (Council Member Johnson), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Thursday, February 15, 2018.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council